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ABSTRACT

Arranged in five chapters, this supplementary resource for junior high students contains information on the history, practical applications, and social consequences of the law. In chapter 1, students are introduced to the origin of laws through examination of a fable, the relationship between government and laws, types of laws, and law enforcement. Chapter 2 explores the relationship between legislation and social change. The following aspects of the court system are described in chapter 3: appellate courts, superior courts, juries, court officials, juvenile justice, various types of abused or problem children, the rights of juveniles, and juvenile corrections facilities. Chapter 4 outlines various types of crime and considers sentencing procedures and prison facilities. The final chapter familiarizes students with their rights as employees, students, property owners, married couples, or expectant parents. The responsibilities of decisionmaking are also discussed. Illustrated with photos and pen-and-ink drawings, each chapter contains an introduction, summary, and student exercise section. Exercises are divided into vocabulary, discussion questions, activities, and suggestions for further study. Appendices contain footnotes, a bibliography, a glossary, and a list of court cases. (LP)

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Learning the Law

Law Education for Young North Carolinians

by
Wanda Rushing Edwards
Edward G. Carr, Jr.

foreword and chapter introductions by
Attorney General Rufus L. Edmisten

SO 015 149

Learning the Law

Wanda Rushing Edwards
Edward G. Carr, Jr.
Attorney General Rufus L. Edmisten

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Students at Anson Junior High, Wadesboro, Jefferson Junior High, Winston-Salem, and North Davie Junior High, Mocksville were invited to suggest names for this book. The following students suggested Learning the Law:

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Front Cover: The Justice Building, Raleigh

FOREWORD

A Message to Students, Parents, and Teachers

Those of us who hold state office have many responsibilities. Among them is the responsibility to educate young people about state government.

John Adams wrote that ours is a nation of laws and not of men. If ours is to remain a nation of laws that operates in the public interest, it is necessary that citizens understand the law. It is important to know where laws come from, how they are enacted, and how they are enforced.

Learning the Law is designed especially for young people. In part, it contains historical information. More attention is given to the practical application of the law. Also, the social consequences of legal and illegal behavior are stated very clearly.

Your chances for future success in education, employment, and family life are affected by decisions that you make now. Pressures from friends, family and others can become very intense. These pressures often make it difficult to consider the facts.

I hope that this book will help you in the decision-making process. Read and study it carefully. Discuss each chapter with your parents. Ask them to tell you how laws have changed in their lifetimes. Share ideas and questions about the legal system with your teachers and classmates. Encourage your teacher to invite guests into the classroom to discuss our government and laws.

You will become better informed by studying our system of laws and sharing views with others. A well-informed citizen should be able to make the best decisions for his own personal future. A nation of well-informed citizens will make the best decisions for our collective future.

Rufus L. Edmisten

Attorney General

TABLE OF CONTENTS

page

Chapter 1 — The Origin of Laws 2-12
Introduction • Need for Laws • Fable of the Troglodytes • Laws and Government • State Government • Types of Law • Law Enforcement • Summary

Chapter 2 — Legislation and Social Change 13-26
Introduction • Legislation and Public Opinion • Social Change • Education • Explanation • Recommendations • Summary

Chapter 3 — The Court System 27-46
Introduction • Appellate Division • Superior Court Division • Juries • District Court Division • District Court Officials • Juvenile Justice • Juvenile Offenders • Abused, Neglected, and Dependent Juveniles • Abused and Neglected Children • Undisciplined and Delinquent Juveniles • Exceptions • Differences Between Superior Court and Juvenile Court • Juvenile Petitions • Custody • Rights of Juveniles • Gault Decision • Admission of Guilt • Dispositions • Dispositional Alternatives • Training School • Teenagers in Prison • Summary

Chapter 4 — Crime: Prevention and Control 47-62
Introduction • Crime Rates • Types of Crime • Predatory Crimes • Illegal Service Crimes • Public Disorder Crimes • Crimes of Negligence • White Collar Crime • Costs of Crime • Sentencing • Prisons • North Carolina Prisons • Summary

Chapter 5 — The Rights of Citizenship 63-84
Introduction • Student Rights • Employment Rights • Contractual Rights • Property Rights • Emancipation Rights •Marriage and Pregnancy Rights • Obtaining New Rights • Protecting Rights • Citizenship • Decision-Making • Responsible Decision-Making • Drugs • Effects of Drugs • Drug Laws • The North Carolina Controlled Substance Act • Alcohol Abuse • Summary

Footnotes 86-87

Bibliography 88-89

Glossary 90-92

Court Cases 93-95

Credits 96

CHAPTER ONE
THE ORIGIN OF LAWS

INTRODUCTION

Each nation has its own system of laws. Those legal systems have evolved through the centuries. The American legal system borrows many methods and procedures from Europe. But some aspects of our legal system are uniquely American. In particular, our concepts of federal, state, and local government operate differently here than in Europe.

Our democratic system of government assigns law-making and enforcing authority to the level of government most responsible to those being served. For example, city and county governments establish and enforce local zoning laws, state government sets and enforces speed limits on our highways, and the United States government enacts and enforces military draft laws.

The happiness and safety of every citizen depends on proper laws and effective law enforcement.

Changing Classes

THE ORIGIN OF LAWS

Most of us belong to many groups. Families, friends, classmates, teammates, and co-workers are a few of them. Each group sets standards of behavior for its members. Often these standards are expressed as "ought to" or "should." At home you "ought to" brush your teeth, make your bed, and pick up your clothes. At school you "should" attend class on time and do your homework.

Similar standards of behavior exist throughout society. When a large number of people share values and beliefs, they expect certain standards of behavior from each other. Sociologists have a term for these shared expectations of behavior. These expectations are called social norms.

Social norms are sometimes based on customs. Customs include holiday celebrations, styles of dress, and food preferences. In our country, it is considered appropriate behavior to celebrate the Fourth of July with a cookout and

Holiday Celebration

fireworks. Also, most people expect to celebrate Christmas with a tree and presents. There is no socially approved punishment for people who ignore these holidays or who celebrate them differently.

Social norms are based on values. For example, teachers and parents value discipline. Consequently, they set rules for class attendance and curfews. At school rules may be written down in a student handbook. At home rules usually are not written down. Both written and unwritten rules must be obeyed. Parents and teachers are responsible for punishing young people who break rules. They may take away privileges or assign extra work. Punishment is socially acceptable. In fact, most Americans disapprove of parents and teachers who do not enforce rules.

There is another set of norms based on values. These norms are laws. Laws are rules or regulations that define the rights and obligations of citizens of the state and nation. Laws are formally drafted, enacted, and supported by organized government. When necessary, governments are prepared to use force against people who violate the law.

Laws are similar to other norms. Usually laws are based on cultural beliefs, attitudes, values, and morals. Laws are more advantageous than customs for governing. They can be enacted when needed. Laws can be changed or repealed when they are no longer necessary or effective. Customs can be ignored because they cannot be enforced. Laws cannot be ignored without the risk of punishment. One of the functions of law is to establish penalties for disobedience.

The Need for Laws

Reminders of the law are all around. Traffic laws, tax laws, building codes, sanitation laws, and zoning ordinances are familiar to most people. Everyone has watched television news broadcasts that deal with murder, assault, arson, and other criminal law violations. Several popular television programs dramatize law enforcement, criminal investigations, and courtrooms.

It is very difficult to imagine a society without laws. In a complex society, the environment would deteriorate very quickly without waste disposal laws. "Law and order" would cease to exist. Disorderly conduct would become very common. No one would be able to stop others from stealing and plundering.

Try to imagine a society without laws. It is much easier to think in terms of a simple society. Think about human life before automobiles, space shuttles, video games, and skyscrapers. Imagine a simple, agricultural society where human beings live in tribes.

Montesquieu, an eighteenth century philosopher, did just that. In order to get people thinking about laws and justice, he wrote a fable about an imaginary tribal people—the Troglodytes.

The Fable of the Troglodytes[1]

Montesquieu describes the Troglodytes as being more like animals than humans. This description is not based on their physical appearance or lifestyle. They resembled animals because they lived without principles of fairness and justice.[2]

The Troglodytes were once ruled by a king. When they began to dislike him, they killed him and created magistrates. Soon they didn't like the magistrates and killed them as well.

The Troglodytes all agreed that they would no longer obey anyone. Each would look out for his own self-interest. They would ignore the interests of others. Each man planted only enough for his own family. Those whose crops suffered from drought died of starvation.

One man owned a large, fertile farm. Two of his neighbors chased him away and took over. At first they agreed to protect each other. Soon, however, one decided to kill the other and have it all to himself. Two more Troglodytes then killed him.

Some Troglodytes became wife-stealers; others overcharged for their produce. Everyone took what he wanted. No one obeyed the law or considered the welfare of anyone but himself.

The Troglodytes

A terrible disease spread throughout the countryside. A physician from a neighboring country took care of the Troglodytes. When they recovered, he returned to collect his fees. Everyone refused to pay. After returning to his home, the physician learned that the disease had broken out again. As before, the Troglodytes sought his services. The physician refused. He claimed that people who had no rules of justice did not deserve to live.

All of the Troglodytes died except two families. They were good, fair, and virtuous. They grew and multiplied. Because of their own sense of justice, they lived without laws or rulers. Their own customs enabled them to live well together.

Strangers, however, envied the prosperity of the good Troglodytes. They attacked the Troglodytes and committed crimes against them. The Troglodytes grew tired of constant warfare. Their traditions of justice were not sufficient to protect their families and property from invaders. In the end they elected a ruler and chose to live by law rather than custom.

Laws and Government

The fable of the Troglodytes illustrates that human beings need laws to preserve the social order. The enactment and enforcement of laws are government responsibilities. The Troglodytes selected a king to manage those responsibilities. Their form of government was a monarchy.

In the United States, the founding fathers established a democracy. A democracy is not ruled by a king. Instead, citizens are involved in the decision-making processes of government. More specifically, the United States is a constitutional democracy. A constitution is a contract between citizens and their government. It is a consensual document through which people grant certain powers to the government. It also places restrictions on the powers of the government in order to protect the rights of citizens.[3]

Although the Constitution vests the legislative branch of government with the power to make laws, the power to establish constitutions rests with the people. The Constitution and its amendments were drafted by Congress and ratified or approved by the people. While the Constitution is the highest law of the land, its preamble states that the Constitution is established by the people.

PREAMBLE

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America. (U.S. Constitution)

The Constitution is our most important set of laws. These laws define the branches of government and their powers. Article I, section 8 delegates specific powers to Congress. Among them are: the powers to maintain the military, to declare war, and to coin money.

The Constitution lists powers that are denied to the states in Article I, section 10. These include the powers to engage in war and to coin money. The Tenth Amendment, however, declares that powers not delegated to the United States are reserved to the states. These powers traditionally include law enforcement and education. The Constitution also provides for state and local governments to share powers. These are called concurrent powers. Both state and federal governments have the power to tax their citizens.[4]

State Government

Each state has its own constitution. Some states, including North Carolina, established constitutions before the United States Constitution. North Carolina is no longer governed by the original 1776 state document. New state constitutions were ratified in 1868 and 1971. The 1971 Constitution is the current state document.

The North Carolina Constitution, like the United States Constitution, states very clearly that the power of government comes from the people. This power is expressed in Article I, section 2 of the North Carolina Constitution.

Sovereignty of the People
All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and instituted solely for the good of the whole. (N.C. Constitution)

Government and laws are established for the good of the whole. The first Troglodytes failed to realize that by acting in their own self-interest and ignoring the good of the whole, they would eventually destroy themselves. The surviving Troglodytes decided that they could not protect themselves from the greed and injustice of others without the help of government and laws.

Types of Law

Laws are developed to maintain peace and establish justice. They enable citizens to grow up, raise families, obtain education, and conduct business in an orderly fashion. Laws define the legal rights of the individual as well as of the community. They provide for the settlement of disputes between individuals. Laws also specify penalties and punishment for people who commit wrongdoings.

Two systems of law are used in the western world—common law and civil law. The concept of common law comes from England. Judges create law by using

their common sense and good conscience to make decisions. These decisions serve as guides or precedents for later decisions.

Civil laws are formally written and passed by legislative bodies. Every country, state, city, town, and municipality establishes its own civil law.

Law can be further divided into two main branches. These are private and public law.

Private law is concerned with the rights and obligations of people in dealing with each other. Six major legal specialities are included. These are: contracts, property, inheritance, torts, corporation law, and family law.

Public law is concerned with the rights and obligations of people as members of society and citizens of the United States. There are four main branches of public law.

1. Constitutional law defines the powers of government and the rights of the people as listed in state and federal constitutions.
2. Criminal law defines crimes and lists the rules for arrest, trial, and punishment.
3. Administrative law regulates agencies such as radio, television, and railroads.
4. International law deals with relations between the United States and other nations.[5]

Law Enforcement

Most of the time, laws are voluntarily obeyed. Citizens accept the laws as legitimate and necessary. For example, in North Carolina, children between the ages of seven and 16 are required to go to school. The compulsory school attendance law is based on the American belief in the importance of education. Most parents comply with the law and send their children to school. They send them because they want them to go, not because the law requires it.

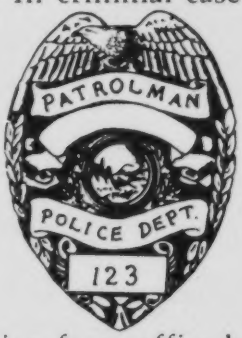
When laws are not obeyed, they must be enforced. The proper authorities deal with citizens who break the law. In schools, teachers, principals, and other personnel try to determine the cause of student absences. They may talk to the student and phone his parents. A simple warning may be all that is necessary for the student to return to school. On the other hand, the warnings of teachers and principals may be ignored. Eventually the case may go to court.

Laws are enforced through courts and governmental law enforcement agencies. These agencies include police, sheriffs, the State Bureau of Investigation, the Federal Bureau of Investigation, and the Internal Revenue Service.

The courts are responsible for law enforcement and interpretation of the law. Two kinds of cases usually are taken to court. Civil actions are cases involving disputes or disagreements between individual citizens. The term civil is derived

from the Latin *civilis*, meaning citizen. Citizens may take their disputes with each other to court. For example, if a plumber is not paid for repair services, he may file suit against the customer. The customer may claim that the services were substandard and refuse to pay. A trial will be held and a judgment reached. The court may order the customer to pay. The court also may order the plumber to provide additional services prior to receiving payment.

Criminal cases are somewhat different from civil cases. They do not involve disputes between individuals. In criminal cases, the government accuses an individual of breaking a law. According to *Black's Law Dictionary*, a crime is "any act done in violation of the duties which an individual owes the community." Crimes include burglary, arson, murder, shoplifting, etc. Criminal court trials that prove guilt result in convictions. A conviction is followed by punishment. Possibilities for punishment may include: death, imprisonment, fines, restitution, removal from elective office, or disqualification from office holding.



> Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation. (Alexander Hamilton)[6]

Summary

Laws are rules and regulations. They are based on social values. Americans value democracy, freedom, and justice. These values are expressed in the United States Constitution—the law of the land.

The Constitution establishes the powers of the federal government. Also, it lists the rights of citizens. State and local governments must not pass laws that violate constitutional rights.

Americans also value law and order. State and local ordinances control traffic, regulate industry, and protect the public safety. These laws create public schools in keeping with the American value of education.

Laws also define the penalty or punishment for breaking the law. Without law, punishment would be subject to the whim of citizens or judges.

Laws protect the social order. The Constitution makes it possible to live in a democracy. Civil laws make it possible to live peacefully. Criminal laws provide procedures for the arrest, trial, and punishment of offenders.

John H. Baker, Jr.
Wake County Sheriff

During my years as a professional football player, I learned the importance of working together with others and of following the rules on the field.

The same principles apply to life in the community as well. We are all members of a team in our homes, schools, and communities. The rules made to govern these things are called laws, and it is important for each young person to know and respect the law. Just as you expect your possessions to be safe, you are obligated to respect the property and safety of others. The law represents a contract among the members of society to honor each other's rights and even the youngest members of our community have the responsibility to understand and uphold that contract.

WORD MEANINGS

Most words have several meanings. The best meaning depends on the context for use. Each word below has several meanings; all are correct, but only one is used in this chapter. Choose the meaning used in Chapter One.

1. concurrent
   a. parallel
   b. in agreement
   c. shared
2. civil
   a. polite
   b. of citizens and relationships between citizens
   c. non-military
3. constitution
   a. health
   b. war ship
   c. law of the land
4. reserved
   a. set aside
   b. uncommitted
   c. cautious

THINGS TO THINK ABOUT

1. What kinds of rules are broken at home and at school?
2. What kinds of punishments (if any) do parents and teachers impose?
3. Is this punishment fair? Why or why not?

THINGS TO DO

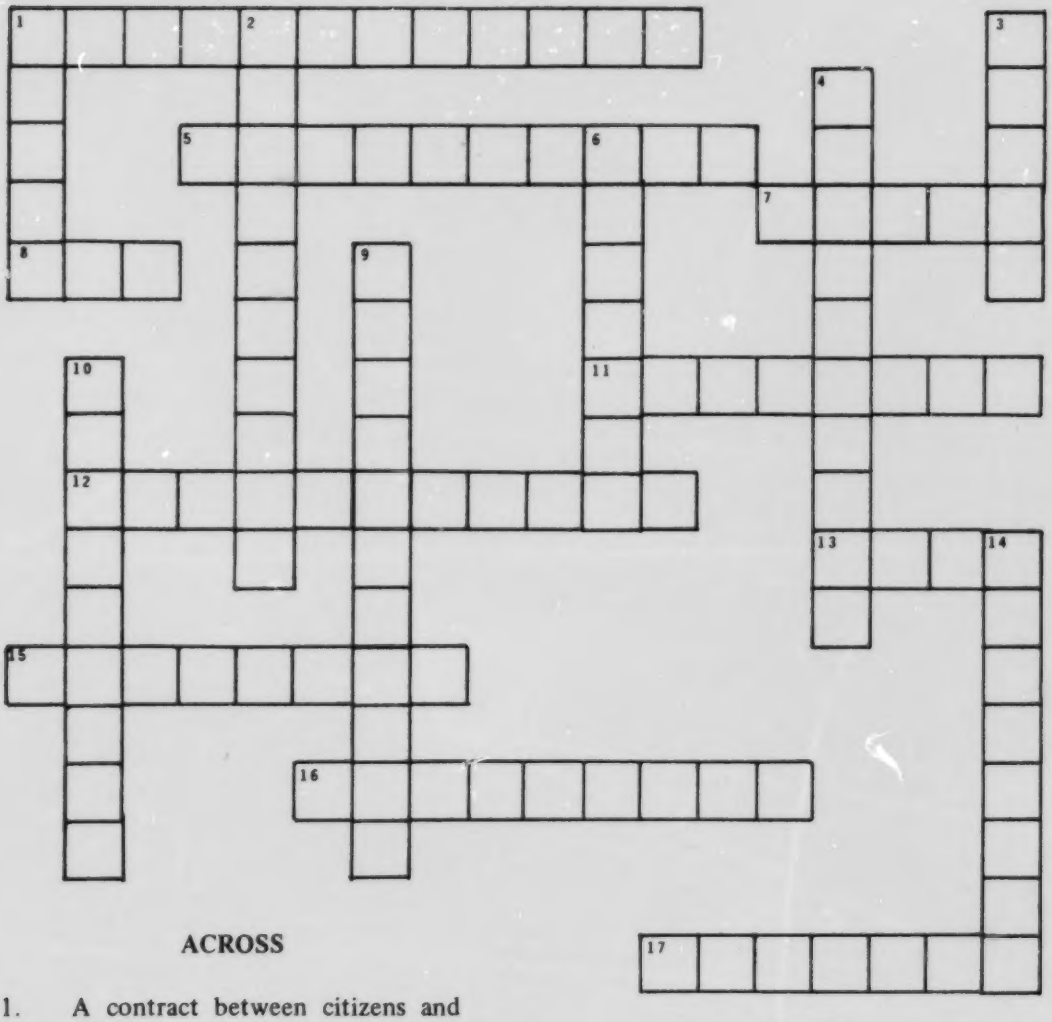
1. Attend a meeting of public officials in your community (city or county boards, school board, etc.) Make a list of the different rules that are used or discussed during the meeting.
2. Visit a factory, a bus terminal, an airport or a recreation center. Are rules and regulations written down anywhere? What are the rules? What would happen if these rules were broken?

FOR FURTHER STUDY

1. Montesquieu wrote several books on laws and justice. Read about his life and work in the library.
2. Alexander Hamilton was a key figure in developing and interpreting the U.S. Constitution. Read more about his debate with James Madison and his duel with Aaron Burr.

1

THE ORIGIN OF LAWS



ACROSS

1. A contract between citizens and government
5. Created by the Constitution
7. To pass laws
8. Rule or regulation
11. Not delegated
12. Author of The Persian Letters
13. Shared expectations of behavior
15. Laws that deal with arrest, trial, and punishment
16. Powers denied to the states
17. Punishment

DOWN

1. Laws that deal with disputes between citizens
2. Imaginary tribal people
3. The most severe penalty
4. Shared powers
6. To uphold the law
9. Judges
10. American form of government
14. Government headed by a king

CHAPTER TWO
LEGISLATION AND SOCIAL CHANGE

INTRODUCTION

New laws are enacted and outdated laws are repealed through the legislative process. The North Carolina General Assembly is the legislative body that makes and changes our laws. Voters in each community elect legislators to represent them in the General Assembly. Most legislators consider opinions of the electorate when voting on legislation.

Most laws are enacted or amended very slowly. When a proposed law represents a change in tradition, lawmakers sometimes debate the issue for many years before making a decision.

Voters and legislators agree on the importance of giving children the opportunity to become successful members of society. Special laws protect all children and provide for their education.

Representatives and Students Discuss Legislation

LEGISLATION AND SOCIAL CHANGE

The General Assembly is North Carolina's chief law-making body. Members of the legislature pass laws that serve the interests of state residents.

North Carolina has a bicameral legislature. In other words, the General Assembly consists of both a Senate and a House of Representatives. The Senate has 50 members. The House of Representatives includes 120 members. Members of both houses are elected from districts. All House districts as well as all Senate districts are approximately equal in population. This system of apportionment is used by the national Congress only in the House of Representatives. The national Senate is composed of two senators from each state, regardless of population.

North Carolina Legislative Building

The members of both Houses of the General Assembly are elected to serve two-year terms. This practice differs form Congress where members of the House serve two-year terms, but senators are elected for six years.

The General Assembly convenes, or meets, in odd-year biennial sessions. Frequently the legislature divides the biennial sessions into annual ones. Consequently, they usually meet each year.

North Carolina legislators are referred to as "citizen legislators." Most of these men and women are part-time public officials. They divide their attention between state government and their own professions back home. Legislators are businessmen, farmers, merchants, attorneys, doctors, housewives, and teachers. Most of them spend only a few months in Raleigh each year.

Before legislators cast votes for bills to become law, a great deal of study and research takes place. These studies are usually undertaken by legislative committees.

Committees are composed of members of the legislature. They are appointed by the presiding officer of each house. Senate committees are appointed by the lieutenant governor. The lieutenant governor is elected in state-wide elections. One of his responsibilities is to preside in the Senate. The Speaker of the House appoints House committees. He is elected by the House from among its own membership.[7]

One of the most influential leaders of the General Assembly is not a legislator. He is the governor. The governor presents his plans for the state to the legislature. This function is very evident at budget time. The governor prepares and recommends the state budget. Both houses of the legislature must approve it.

Governor James B. Hunt, Jr.

The same process must occur for any bill to become law. For ratification, it must be approved by both houses. North Carolina is unique among the 50 states in one respect. The governor does not have veto power. Once a bill has been ratified or approved by the legislature and signed by the presiding officers of each house, it becomes law.

CHAPTER 113
HOUSE BILL 407

AN ACT TO REQUIRE SENTENCE CREDIT WHEN JUVENILE CONDITIONALLY RELEASED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-655(1) is amended to add the following sentence at the end of that subsection:

"The time that a juvenile spends on conditional release shall be credited toward his maximum period of commitment to the Division of Youth Services."

Sec. 2. G.S. 7A-652(f) is hereby amended by deleting the number "15" and substituting the number "30".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1983.

James C. Green
President of the Senate

Liston B. Ramsey
Speaker of the House of Representatives

Ratified Bill

Legislation and Public Opinion

Laws are accepted by most people as legitimate and necessary. Specific laws are acceptable because they are in agreement with prevailing opinion. For example, most people agree that government should provide services. Street lights, ambulance service, public parks, public schools, and law enforcement are government services. Because people believe that services are essential, they accept tax laws. Most people are willing to pay some tax if government spending is not excessive. Consequently, tax rates and government spending are major

Government Services

political issues. The General Assembly approves a new budget each year. Legislative decisions are influenced by public opinion. This opinion varies from year to year on how tax money should be spent for particular services.

Laws tend to be more stable than public opinion. The United States Constitution is 200 years old and has been changed, or amended, only 26 times. The North Carolina Constitution is more likely to be replaced than amended. Nonetheless, the state has used only three constitutions in its 200 year history.

Constitutional law applies to general situations and is sometimes very vague. Interpretations of constitutional law are more likely to change with the passage of time. Other laws that deal with day-to-day situations change more often. New technology creates a need for new laws. Air traffic laws and automobile traffic laws did not exist before the invention of airplanes and automobiles. When the United States was a pre-industrial nation, there was no need to regulate air, water, and noise pollution.

As society becomes more complex, laws increase in number and complexity. At the same time, some laws become out-dated. Until recently, it was illegal to shoot jack rabbits from streetcars in Los Angeles. Both jack rabbits and streetcars vanished long ago from the city. The law about jack rabbits and streetcars remained in effect, however, until it was repealed.

Changes in technology are not always as obvious as changes in transportation. Even when they are obvious, new legislation does not always follow. There continues to be a great debate in this country about the need for laws to protect

the environment. Many argue that there are too many restrictions. Others argue that environmental protection laws are not extensive enough.

Changes in Technology

Lawmakers often disagree about changing laws in response to technological change. These changes come slowly even when observable evidence exists. Delays often occur between the impact of a change and the enactment of law to deal with it. For example, industrialization produced water pollution before lawmakers passed laws to protect the water.

Lawmakers respond even more slowly to changes that cannot be seen. Attitudes, beliefs, opinions, and moral interpretations of people change. These changes are very difficult to see and to measure. Consequently, it is sometimes difficult to persuade legislators that the changes really have occurred.

Social Change

Attitudes and opinions about the roles of women and children have changed dramatically. Changes in laws affecting the status of women and children also have changed. For example, American women did not have the right to vote until 1920. During the 1850s and 1860s, women worked very hard for blacks to be emancipated and to receive the right to vote. Black men received the franchise or right to vote in 1870. It took another 50 years to convince lawmakers that women should have the right to vote. The Nineteenth Amendment

was approved or ratified in 1920. Attitudes and opinions about women's suffrage had been changing for more than 70 years prior to the amendment's passage.

Three years later, in 1923, an equal rights amendment was introduced in Congress. Dr. Alice Paul and the Women's Party introduced the amendment. Congress did not pass an equal rights amendment until March 22, 1972.[8]

The ERA reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

The states (including the N.C. Legislature) failed to ratify the equal rights amendment. The ERA expired June 30, 1982. Many ERA supporters argue that public opinion supports the ERA. ERA opponents argue that public opinion opposes it. Some lawmakers are not yet convinced that the majority supports adoption. Others seem to agree with the principle of equal rights for women, but disagree with the wording of the amendment.

The debate over the equal rights amendment began in 1923. Sixty years later, there is still no equal rights amendment to the Constitution. A new amendment may be passed by Congress in the future. If it passes, it too will face state ratification.

In the meantime, the legislative battle for women's rights continues. Since the early 1960s, a number of federal laws have been passed that prohibit discrimination against women, and in most instances minorities.[9] These include the Equal Pay Act and equal employment opportunity legislation. North Carolina does not have its own legislation dealing with equal pay and equal opportunity.[10]

Whether or not the ERA passes, new roles for women are becoming acceptable. Attitudes about women are changing. In colonial America, most girls were denied an academic education. They were taught to sew and perform household chores, while boys learned to read and write. In modern America, all children attend public school. More than half of all college students are female. The number of women who work outside the home has increased. More than half of all women work outside the home. It seems very unlikely that women will leave the work force in large numbers.

Children also play a different role in modern society. In colonial times, parents looked upon childhood as something people went through on the way to becoming an adult. Children (and women) were expected to be seen and not heard. They performed strenuous farm duties at a very early age. The penalty for disobedience or disrespect to parents was severe. In Puritan New England, the death penalty was suggested for flagrantly disobedient children. (There is no evidence that it was ever carried out.)

Changing Roles

Today's children and young people are believed to be special. Society does not ignore them while they grow up. Child psychologists, elementary school teachers, pediatric physicians, and others are the "experts" on childhood. They suggest that children and youth have their own needs and interests. Adults should help young people in the developmental process. Children should be treated as children, not as miniature adults.

These widespread social beliefs and attitudes about children extend to the legal system. Legally, children are treated differently than adults. Parents are held legally responsible for the welfare of their children. Parents who abuse or neglect their own children may lose custody of those children through court proceedings.

Just as the law requires that parents honor certain responsibilities to children, there are also legal expectations of children. Juveniles (persons under 16 years of age) have legal obligations to do certain things. They must attend school. They must obey parents and teachers. Any juvenile who is beyond the disciplinary control of his parents or teachers also may be taken to court.

Undisciplined juveniles are not criminals. They are not taken to court for punishment as much as for guidance. It is the belief of most citizens and lawmakers that young people who are undisciplined may become delinquent. A delinquent is a person under 16 who commits a crime. Most adult criminals began their careers as undisciplined juveniles. Running away, disobeying parents, and skipping school gives young people the opportunity to associate with people who are likely to engage in criminal behavior.

The North Carolina legislature has been very responsive to the legal needs of juveniles. Laws relating to juvenile offenders will be discussed in Chapter Three.

Education

The state legislature also passes laws to deal with juveniles who are not criminal offenders. One example is the compulsory school attendance law. The law states:

> Every parent, guardian, or other person in this state having charge or control of a child between the ages of seven and 16 years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from school.[11]

The law requires that teachers, principals, and school attendance officers must notify juveniles and their parents about excessive absences. The principal is legally required to notify the local juvenile court if the juvenile does not return to school.

The law requires school attendance until the age of 16. Ideally, however, most people expect juveniles to stay in high school until they graduate. Many young people drop out when they reach that sixteenth birthday. Others manage to drop out before then. In fact, national studies indicate that the school drop-out problem becomes very serious after eighth grade.

If it isn't illegal to drop out of school at age 16, why not? What are the advantages to remaining in school?

Education is important for improving quality of life. Educated individuals are more likely to develop their full potential. They are better able to understand the democratic process. Educated people are more likely to vote. They are less likely to commit crimes and to serve time in prison.

One reason for staying in school probably makes more sense to young people than any other reason. Educated people earn more money. The differences in income for people according to education is impressive. Men who graduate from high school are likely to earn an average of $13,300 per year. Men who complete only one to three years of high school earn an average income of only $9,100 per year.

The economic benefits of furthering one's education beyond high school are great. Men who complete four or more years of college earn an average income of $19,100. In other words, men who graduate from college can expect to earn twice as much per year as men who never finish high school.

There are exceptions to the rules for the relationship between income and education. Although women's earnings increase as education increases, women do not earn as much as men. This is true at all education levels. A partial explanation is that traditionally "female" jobs pay less. For example, nurses and school teachers earn less than accountants. Traditionally, women have become nurses and teachers. Traditionally, most accountants have been men. All have college degrees. In recent years, women have begun to enter all professions in greater numbers. Unfortunately, as women enter the professions they continue to earn less than their male counterparts. Many more changes in laws and attitudes must occur before women receive equal pay for equal work. In the meantime, it remains true that men and women who finish school earn more money than those who do not.

Median Money Income, by Education, 1979

Educational Attainment	Median Income (Male)	(Female)
Less than 8 years	$ 5,900	$ 2,900
8 years	7,900	3,300
1 to 3 years high school	9,100	3,600
4 years high school	13,300	5,100
1 to 3 years college	13,900	5,600
4 years college	19,100	8,100
5 or more years college	22,800	11,900

Source: Adapted from U.S. Bureau of the Census, Statistical Abstract of the United States, 1981, p.145.

North Carolina has a very high drop-out rate. Dropping out costs individuals thousands of dollars each year in unearned income. It also costs the state millions of dollars in tax revenue. North Carolinians lose the opportunity for additional services because of diminished tax revenues.

In 1981, the state legislature received a report on school drop-outs from the Legislative Research Commission. The report listed the number and rate of drop-outs in North Carolina since 1975. The annual drop-out rate is close to 8%.[12]

School Years	Number of Drop-outs
1975-1976	28,264
1976-1977	29,422
1977-1978	30,008
1978-1979	29,431
1979-1980	28,090

Explanation

Dr. Betty Siegel is the Dean of the Western Carolina University School of Education and Psychology. She has identified four factors that contribute to the drop-out problem. They are: student attributes, family characteristics, peer characteristics, and school factors.[13]

Student attributes include a student's attitude toward school. Many young people do not like school and do not want to attend. Many of them have a history of poor academic performance. They have failed or made poor grades. These students see no reason to continue in school.

Family characteristics also are important. Parents who did not graduate may not encourage their children to remain in school. Parents also may dislike school.

Peer characteristics describe the attitudes and personalities of a young person's friends. Friends, called peers, have a lot of influence. Young people who hang out with drop-outs are likely to lose interest in school. Young people who have friends who are not interested in school activities also are not likely to be interested in school activities.

School factors also contribute to the high drop-out problem. Large class sizes can be very discouraging to students who need help. Some students are unable to receive adequate counseling at school.

Recommendations

The Legislative Research Commission made five recommendations to the General Assembly.[14]

1. Reduce class size. Smaller classes are beneficial to everyone.
2. Expand extended day programs. Some students are unable to attend regular classes during regular hours.
3. Provide additional guidance and counseling.
4. Continue the practice of in-school suspension. It is important that students who present disciplinary problems remain in school.
5. Career awareness. Young people need to be made aware of job opportunities. They also need to learn job skills.

Summary

The chief law-making body in North Carolina is the General Assembly. Members of the House of Representatives and the Senate meet in Raleigh in odd-year biennial sessions.

North Carolina's legislators are sometimes called "citizen legislators." They must divide their time between state government and their regular jobs back home.

Legislators pass new laws, change old laws, or repeal existing laws. Their decisions are influenced by changes in technology and changes in public opinion.

The legislature is especially concerned with laws affecting young people. Juveniles, persons under 18, require special laws. One example is the compulsory school attendance law.

The law requires students to remain in school until the sixteenth birthday. Most people are not able to graduate until they are 17 or 18. It is to the advantage of young people to stay in school until they graduate. High school drop-outs earn less money than high school graduates. They also are more likely to get into trouble with the law.

A. Craig Phillips, Ed.D.
State Superintendent of Public Education

All children must face and solve many problems as they grow up. Those of us who work with public schools have learned that most children take the same approach to the problems of life. Each student uses his or her skills and abilities in attempting to solve life's problems. Some are more successful in solving problems than others.

One characteristic appears to distinguish the potential delinquent from other students. He is not concerned with the welfare of his fellow man. He does not care if the solution to his problem causes inconvenience, hardship, or suffering for others.

Every young person has the desire to overcome difficulties and be successful. Some either ignore or do not understand the importance of living cooperatively within the social system. Their quest for success takes a negative direction, and their chances for success are limited by criminal behavior.

WORD MEANINGS

Most words have several meanings. The best meaning depends on the context for use. Each word below has several meanings; all are correct, but only one is used in this chapter. Choose the meaning used in Chapter Two.

1. franchise
   a. a fast food chain
   b. the right to vote
   c. immunity
2. governor
   a. a master
   b. a mechanical device for regulating speed and fuel
   c. the chief executive officer of a state
3. tax
   a. to censure
   b. to burden
   c. payment to the government
4. role
   a. a socially prescribed pattern of behavior
   b. a part in a play
   c. a function

THINGS TO THINK ABOUT

1. Why did it take until 1920 for women to obtain the right to vote?
2. What are the pros and cons of ERA?

THINGS TO DO

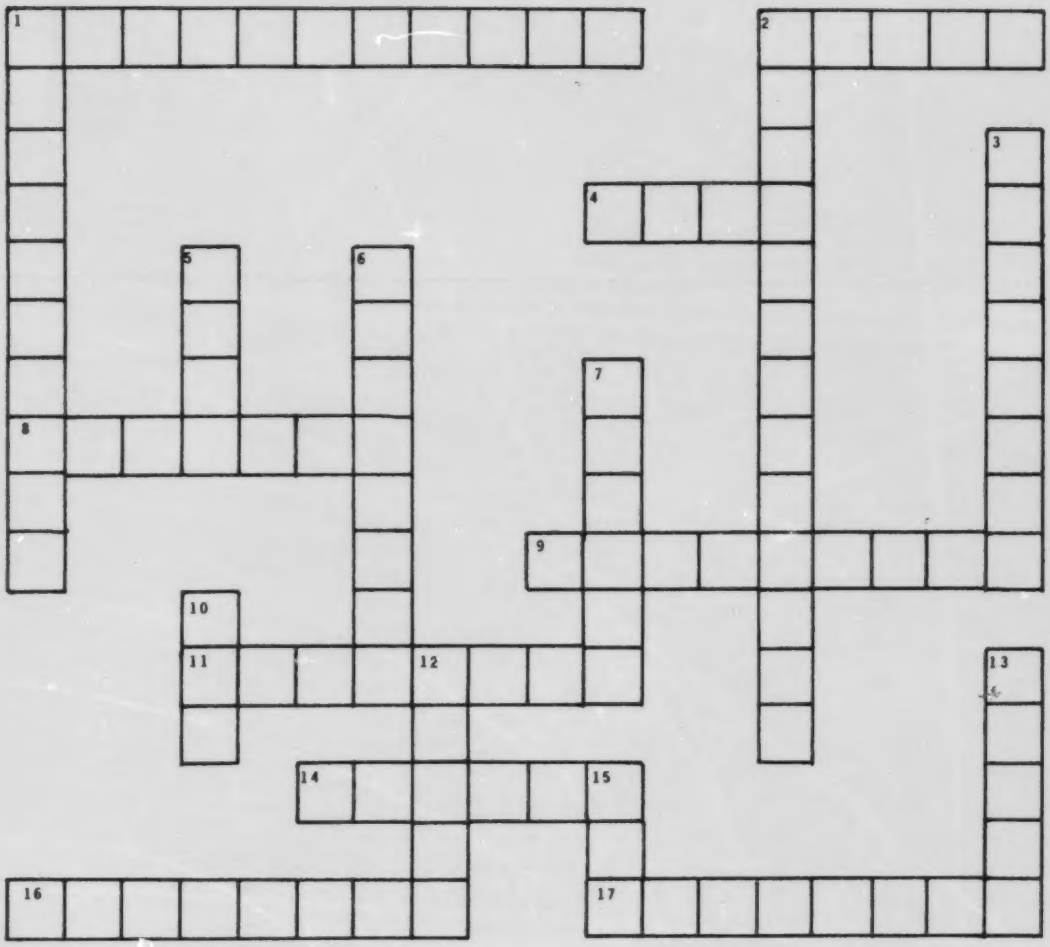
1. Name your state representatives in the House and Senate.
2. Write a letter to a member of the General Assembly who represents you. Ask her (or him) what committee she serves on. What kind of legislation does her committee sponsor?

FOR FURTHER STUDY

1. The Nineteenth Amendment to the Constitution is sometimes referred to as the "Anthony Amendment" in honor of Susan B. Anthony. Read more about Susan B. Anthony to find out why.
2. Clip newspaper articles about the activities of the North Carolina General Assembly. Which issues have the greatest impact on juveniles?

2

LEGISLATION AND SOCIAL CHANGE



ACROSS

1. Surroundings
2. Change
4. N.C. Governor cannot _____ legislation.
8. Ratify
9. Two houses
11. General _____
14. Smaller legislative body
16. Chief executive officer of N.C.
17. State of mind, outlook

DOWN

1. To set free
2. System of distribution
3. Occurring every two years
5. A friend one's own age
6. Person under sixteen
7. Approve
10. Source of state money
12. Person under eighteen
13. Larger legislative body
15. Equal Rights Amendment

CHAPTER THREE
THE COURT SYSTEM

INTRODUCTION

Courts are essential in a society of law and justice. Questions of right or wrong and guilt or innocence often must be answered in court.

The court is a friend to all who obey the law. It protects their rights and keeps them safe from those who would harm them or their property. Criminals fear the court. It is where they are found guilty of violating the law and punished for their crimes.

The North Carolina juvenile court system gives young citizens special attention. Many juveniles who come into court have not broken the law. They are the victims of abuse or neglect. The court is very concerned about the safety, welfare, and happiness of these young citizens.

Some juveniles break the law. Less serious offenders are able to receive professional help in their own communities. Those who commit serious crimes must be punished. Some are sent to training school; others go to prison.

The courts must see that justice is carried out. They must insure individual rights and protect the public safety.

Chowan County Courthouse

THE COURT SYSTEM

"See you in court." These words have been spoken many times. Drivers who receive speeding tickets go to court. Angry neighbors who disagree on property lines go to court. Businessmen go to court over contract violations. A quarreling husband and wife go to court for a divorce. An accused murderer goes to court to defend himself.

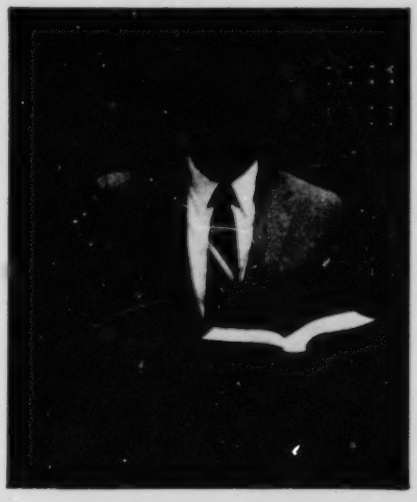
The courts resolve disputes and settle conflicts in civil cases. Courts also determine the guilt or innocence of individuals in criminal cases.

The judicial power of North Carolina is vested in the "General Court of Justice." This state system consists of three divisions: appellate, superior, and district.[15]

Appellate Division

The appellate division includes the state Supreme Court and the state Court of Appeals. The Supreme Court has general supervision over other state courts. It has the power to review any decision of the courts below it on appeal. The court consists of seven members. The Chief Justice and six Associate Justices are elected by popular vote for eight-year terms.

The Court of Appeals consists of 12 judges who sit in panels of three. Its purpose is to review cases on appeal from lower courts. Court of Appeals judges are also elected for eight-year terms. Both the Supreme Court and the Court of Appeals are located in Raleigh.



Charles L. Becton
Judge, N.C. Court of Appeals

Superior Court Division

The superior court has general trial jurisdiction. It is the court of "original jurisdiction." Trials for the most serious crimes (felonies) usually are held first in superior court. These are jury trials.

North Carolina is divided into 34 judicial districts. Each district has from one to three superior court judges and a district attorney. Regular judges are elected for eight-year terms. Special judges are appointed. The district attorney and his appointed assistants handle all prosecutions in the superior courts.

Juries

Juries must decide issues of guilt or innocence in criminal court. A jury consists of 12 members. These 12 are selected from a group of 36 to 48 who are required to report for duty. Their names are selected at random from the master jury list. This list is prepared every two years from tax and voter registration records. All competent adults who have not been convicted of a felony are eligible for jury duty.

Jury Duty

A grand jury consists of 18 members. It must decide whether there is probable cause to believe that a person committed the crime for which he is accused. When probable cause is found, the accused is indicted. An indictment is a formal charge or accusation that must be made before superior court trials take place. Indictment can be waived except in a capital case, or in a case where the accused is not represented by an attorney.

District Court Division

Most cases in the state system are heard in district court without juries. District courts hear civil cases and most cases on family law. Less serious criminal cases (misdemeanors) are tried in district court. Preliminary hearings on felony charges (more serious criminal offenses) also take place in district court. Felony cases are tried in superior court by a judge and jury.

District court judges are elected to four-year terms. They serve the same judicial districts as the superior court.

The district court division also includes magistrates. Magistrates are officers of the district court who are appointed by the senior resident superior court judge. Their civil jurisdiction includes small claims of less than $500. In criminal matters they are limited to cases involving "bad" checks of less than $50.

Magistrates also accept guilty pleas in cases involving no more than $50 fines or 30 days in jail.

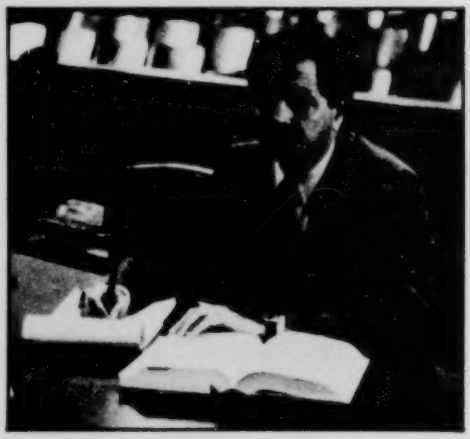
District Court Officials

District Attorneys. The voters in each judicial district elect a district attorney to a four-year term. The district attorney and his assistants represent the state in criminal cases and in certain cases concerning juveniles. They determine which laws should be used to charge and prosecute defendants and which cases will be tried by the courts.

Clerks of Superior Court. The clerk of superior court is responsible for maintaining all court records for both district and superior court. Voters in each county elect a clerk to serve a four-year term.

Court Reporters. Reporters must record verbatim the court proceedings. This includes testimony of witnesses, orders, judgements, and the judge's instructions to the jury. Court reporters are appointed, not elected.

Juvenile Court Counselors. All judicial districts have court counselors. They decide when to file a petition against a juvenile and bring him to court. When juveniles are placed on probation they must report to juvenile court counselors.



Wade Barber
District Attorney
Judicial District 15-B

Juvenile Justice

The Juvenile Court System was established by the North Carolina General Assembly in 1919. It was a response to changes in public opinion concerning the welfare of children under age 18. Before 1919, anyone over the age seven could be tried, convicted, and punished like an adult. This was true in all states.

In New York during the early 1800s, an eight-year-old was hanged for barn-burning. In New Jersey in 1828, a 12-year-old was hanged for murder. Many other children served time in prison with adults. Often they were abused and mistreated by older criminals. Children also learned more about crime from adult criminals. When released from prison, it was very easy for them to continue in a life of crime.

In several states concerned citizens worked to change the court system. These citizens are now referred to as the "child savers." Because of their efforts, all state legislatures passed laws to create a separate juvenile system. Special houses of "refuge" and "correction" were created to keep young people out of prison.

The juvenile justice system is an expression of the legal doctrine of *parens patriae*. *Parens patriae* requires the state to protect children and others who cannot protect themselves. *Parens patriae* allows courts to protect juveniles from adult court and prison. It also permits courts to place children where they will receive proper care and supervision, even if they have to be taken away from their parents.

Juvenile court hearings take place at the district court level. These cases are heard without juries and are sometimes closed to the public. The judge, parents, attorneys, court counselors, witnesses, and other court officials are the only people permitted to attend a juvenile hearing.

In serious criminal cases, if the juvenile is at least 14 years old he may be tried as an adult. The judge usually decides to transfer the case to superior court when the offense is violent and involves the death or injury of another person. When transferred to superior court, the juvenile loses the *parens patriae* protection of the juvenile court and is tried just like an adult.

Juvenile Offenders

Juveniles who break the law are classified as delinquent or undisciplined. A delinquent juvenile is a young person between the ages of six and 16 who has committed a criminal offense. An undisciplined juvenile is a young person between the ages of six and 16 who is unlawfully absent from school, disobedient to parents and beyond their control, regularly found in places where it is illegal for a juvenile to be, or who has run away from home. Offenses such as running away and truancy are called status offenses. These offenses would not be illegal if committed by adults. Delinquent offenses are illegal criminal activities whether they are committed by adults or juveniles.

Driver's License Check

Abused, Neglected, and Dependent Juveniles

Juvenile courts are also responsible for the care of a special group of young people who have not broken the law. Abused, neglected, and dependent children require the supervision and protection of the court.

Abused children are those whose parents physically or mentally mistreat them. Many of these children have been beaten or burned. Others do not have any signs of physical injury. These children are emotionally abused.

Neglect can be described as a form of child-rearing that is unacceptable to society and harmful to children. There are many forms of neglect. They include malnutrition, lack of clothing, lack of medical and dental care, and lack of adult supervision.

Dependent children are those who have no parent or guardian to care for them. Some dependent children have parents who are unable to care for them.

Historically, parents have the right to rear their children according to their own values and beliefs. The state has the authority to become involved in family life when parents fail to care for children properly.

It has been said many times that our nation's most valuable resource is its young people. Lawmakers believe that intervention into families who have undisciplined, delinquent, neglected, abused, or dependent children is very important. First, it is important to the welfare of the child. His physical and emotional well-being is very valuable. Secondly, the welfare of society is at stake. Statistics indicate that many adult criminals began their careers as abused, neglected, dependent, undisciplined, or delinquent children. For example, children who are physically abused are likely to grow up to become adults who abuse their own children. Parents who break the law are likely to have children who break the law. The intervention of the juvenile court system may help children break these family patterns.

Abused and Neglected Children

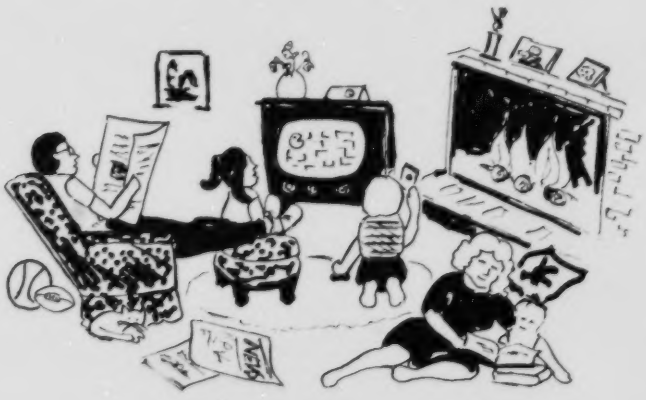
Children do not always receive appropriate care and protection from their parents. North Carolina law requires that anyone who suspects abuse or neglect must report it. The report must be made to the local department of social services. The person reporting the incident is not required to give his or her own name. The department of social services must investigate all reports, even anonymous ones. If any court activity takes place, it is based on the investigation of the department of social services.

The purpose of child abuse and neglect laws is not to lock up parents or to separate families. Their purpose is to identify children and families who need

help. Further abuse and neglect must be prevented. Whenever possible, the department of social services and the court will attempt to preserve and improve family life. Counseling services may be extended to the family. In some cases, children must be temporarily removed from the home for their own protection. They will return when conditions are improved. In other cases, children are placed in foster homes for an extended period of time. A few children are permanently removed from the custody of their parents.

Some juveniles who are abused or neglected are afraid to tell anyone. Some have been threatened by the abusing parent. Others are afraid that if the truth is known that they will be held responsible and sent away for punishment. Many juveniles fear that their homes will be broken up. Even though their parents are abusive, they love them and want to live with them.

Young people who have been abused or neglected should not be afraid to seek help. They should discuss the problem privately with a responsible adult. Teachers,



The Family

guidance counselors, Sunday school teachers, and coaches are concerned and want to help. These adults know how to contact the proper authorities.

The purpose of juvenile court is not to punish innocent young people or to separate families. The juvenile court's responsibility for abused and neglected children is to identify needs and to provide treatment for the young persons and their families.

Undisciplined and Delinquent Juveniles

Juvenile courts also have jurisdiction over undisciplined and delinquent juveniles. Young people who are in trouble may benefit from the special counseling and rehabilitation provided through the juvenile court system.

In most cases undisciplined juveniles are diverted from the court system. Juveniles who are diverted are not forgotten. They are referred to other agencies in their communities. These agencies allow juveniles and their families to obtain the benefits of education, counseling, rehabilitation, and other forms of treatment near their homes.

Community-based services are not an option for young people who threaten the public safety. Juveniles who commit violent crimes such as murder, assault, or robbery are sent to training school or to prison for youthful offenders. Treatment programs are provided within an institution in order to protect the public.

Exceptions

The exception to the juvenile court process is the juvenile who is charged with a felony. Juveniles who are 14 or older are brought before a juvenile court judge for a preliminary hearing. If the judge finds probable cause to believe that the young person has committed a felony, he has two choices. He may hear the case himself in juvenile court or he may transfer the case to superior court. If the case involves the death penalty (a capital offense), the judge has no choice. North Carolina laws require that he transfer the case to superior court.

Differences Between Superior Court and Juvenile Court

A number of differences exist between superior court trials and juvenile court hearings. In superior court a 12 member jury decides guilt or innocence. If the verdict is guilty, the judge passes sentence. The sentence will be the same as the punishment for an adult.

Superior court proceedings are a matter of public record. Also, a person who is convicted in superior court has a permanent record as a convicted felon. Convicted felons are disqualified from many privileges as American citizens. They are disqualified from the armed services, jury duty, voting, and from holding many public offices. Most convicted felons find it hard to get any job when they are released.

Juvenile court proceedings are not a matter of the public record. They are confidential. No one may examine juvenile court records without a court order from the judge.

The confidentiality of juvenile court records can be beneficial. If a young person makes only one mistake, he does have a second chance. For adults and juveniles whose cases are heard in superior court, there is no second chance. Permanent and public records exist of their convictions.

A person who is 16 or older and has committed only one offense may file a petition in juvenile court to have his juvenile court records expunged. The judge

may order that all records be erased when certain conditions are met. The individual must not have been convicted of a felony. He must not have been adjudicated delinquent for other crimes. Also, he must satisfy the court that he has been of good behavior. His character and reputation are closely examined. Juveniles who are convicted in superior court do not have this option.

Juvenile Petitions

When juveniles commit an undisciplined or delinquent offense, the incident is reported to the local law enforcement authorities. This report is called a petition. A petition identifies the juvenile by his name, address, date of birth, parents' names and addresses. The petition also states the facts describing the juvenile's conduct.

Court Counselor Eve Rogers counsels a juvenile in trouble.

All petitions are referred to the intake counselor of the juvenile court. He may decide to divert the young person and his family from court. For example, an undisciplined petition can be signed by a parent whose child came home late three evenings. The court counselor may decide to talk to the family and help them find a solution to their problem rather than go to court. On the other hand, if the undisciplined behavior continues, the intake counselor will take the case to court. Reports of criminal law violations usually are referred to court immediately.

Once the intake process has been completed, the petition will be filed. It must be signed by the intake counselor and verified.

After the petition has been filed, the clerk of superior court issues a summons to the juvenile and his parents. The summons requires that they appear in court for a hearing. The time and date of the hearing are stated on the summons.

Custody

A juvenile who is believed to have committed a status or a criminal offense may be taken into temporary custody by a law enforcement officer or a court counselor. A juvenile cannot be held in temporary custody for more than 12 hours. If he is to remain in custody, a district court judge must order it. The intake counselor files a petition with the court stating the offense and requesting custody. In other words, the juvenile must be given "due process."

Juveniles who are alleged to be abused, neglected, or dependent may not be placed in secure custody. Secure custody refers to jail or to special juvenile detention facilities. These juveniles, however, may be placed in non-secure custody. Non-secure custody refers to emergency shelter care or to foster homes.

Secure custody is for juveniles who are believed to have committed an offense. A juvenile may be detained who is charged with a serious crime, has failed to appear in court, or is dangerous to himself or others. A runaway juvenile can be detained for as long as 72 hours in order to reunite him with his parents or to obtain a medical evaluation for him.

Rights of Juveniles

A hearing is held to determine the existence or nonexistence of the conditions or complaints described in the petition. The judge hears the evidence. He must protect the rights of the juvenile and his parents to due process of law. These rights are:

1. The right to written notice of the facts contained in the petition (in order to prepare a defense);
2. The right to counsel (the right to have an attorney);
3. The right to confront and cross-examine witnesses (the right to challenge claims made against him by others);
4. The privilege against self-incrimination (the right to remain silent);
5. The right to a transcript of the proceedings (when requested, the court must provide a typed copy of court proceedings for a reasonable fee);
6. The right to appellate review (the right to appeal to a higher court).

Juveniles are entitled to all the rights that adults have with three exceptions. They are:

1. The right to bail;
2. The right of self-representation;
3. The right to trial by jury.

Juvenile courts have not always recognized the juvenile's right to "due process." The United States Supreme Court ruled on "due process" in a case known as the Gault Decision.

Gault Decision

It all began on June 8, 1964. Fifteen-year-old Gerald Gault and Ronald Lewis were taken into custody by the Sheriff of Gila County, Arizona. A neighbor, Mrs. Cook, had complained about receiving an obscene phone call. Gerald and Ronald were locked up in the Children's Detention Home. Gerald's parents were at work when he was picked up. When his mother got home at 6:00 p.m.

she could not find him. Her older son went to look for Gerald and learned from the Lewis family that he was in detention. Mrs. Gault went to the Detention Center. She learned that Gerald was detained for making an obscene phone call, and a court hearing would be held the next afternoon.

The complainant, Mrs. Cook, was not in court when Gerald was accused of making an obscene phone call and sent back to the Detention Center. No record of the hearing was made. Gerald was sent home on June 11 with a note saying that another hearing would be held on June 15. The two boys, their parents, and two probation officers attended the hearing. Mrs. Cook did not attend.

Gerald admitted dialing Mrs. Cook's number, but he denied talking to her. He claimed that Ronald did the talking. Mrs. Gault requested that Mrs. Cook come to court and identify the boy who had spoken to her on the phone. The judge denied her request. He found Gerald to be delinquent for making "lewd phone calls" and sent him to the state training school for six years. The greatest penalty an adult could have received for the same crime was a $50 fine and two months in jail.

Gerald's father appealed the case to the Supreme Court of Arizona which denied his claim that the court had violated Gerald's rights to due process (Fourteenth Amendment). He then appealed the case to the United States Supreme Court. This court reversed the decision of the Arizona courts, stating that Gerald's rights to due process had been violated.[16]

Since the Gault decision, all states have revised their laws to insure juveniles their rights as guaranteed by the Fourteenth Amendment.

Admission of Guilt

A juvenile's admission or confession of guilt is acceptable in court. First, however, the judge must address the juvenile personally. The judge must inform the juvenile of his rights. He must determine that the juvenile understands the nature and the seriousness of the charges against him. Also, he must advise him of the most serious and restrictive decision that can be made on the charge . The law protects juveniles from undue pressure from court officials to admit guilt. Furthermore, the judge must examine additional evidence and hear other testimony to determine the accuracy of the admission.

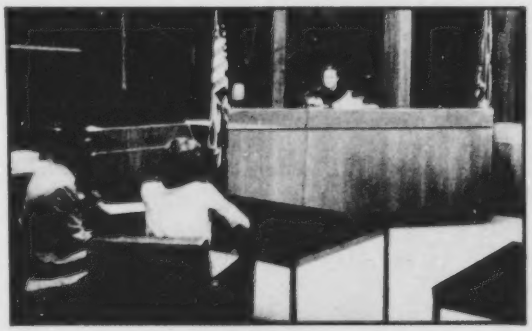
When a juvenile denies the charges against him, the court must proceed in accordance with the rules of evidence used in adult cases. The charges must be proved beyond a reasonable doubt in delinquency petitions. In petitions that allege abuse, neglect, dependency, or undisciplined behavior, the charges must be proved by clear and convincing evidence.

If the judge finds that the charges have not been proved, he will dismiss the petition. Then the juvenile will be released.

If the judge finds that the charges have been proved, he will state his decision. This judicial process of hearing the evidence and stating a decision is called adjudication. Once the process has been completed, the official language of the court says that a juvenile has been "adjudicated delinquent."

Dispositions

When the adjudication process is complete and the judge's decision has been made, a dispositional hearing follows. At this time the judge considers various evaluations of the needs of the juvenile. These evaluations are usually the result of extensive testing. These tests are medical, psychiatric, psychological, and educational. The court counselor, district attorney, and other professionals, as well as the juvenile's attorney and parents, present their recommendations to the judge.



Juvenile Court

The judge must determine a plan for the juvenile that will meet his needs. The Juvenile Code Revision adopted by the 1979 General Assembly has made it impossible for young people to be sent to training school for status offenses.

North Carolina law now states that judges should select the "least restrictive disposition" for juveniles. It must be appropriate to the seriousness of the offense and to the age and previous record of the juvenile. Juveniles may not receive a harsher punishment than adults would receive for the same offense.

Whenever possible the plan should provide for the juvenile to receive care, supervision, and treatment in his own home. The judge may arrange for the juvenile and his family to receive community-level services. A juvenile should not be committed to training school or to any other state institution if he can be helped through services in his own community.

Dispositional Alternatives

The juvenile court judge has a number of dispositional alternatives. He may order undisciplined juveniles to return home and receive treatment through local agencies. He may transfer custody of the juvenile from the parents to the department of social services or to another guardian in cases of neglect.

Young people who are adjudicated delinquent on the basis of alcohol or drug abuse charges may be ordered to receive evaluation and treatment at a mental health center.

Undisciplined and delinquent youths may be placed under the supervision and care of the court counselor. The court counselor will assist the juvenile in obtaining treatment and will advise the family in providing supervision.

Delinquent juveniles may be placed on probation. They must report to the court counselor at regular times. Also, the terms of probation may require school attendance, good behavior, and employment. Probation often states that the juvenile must not associate with particular people or visit certain places.

Many times juveniles remain in the custody of their parents but must live in a residential treatment facility. These facilities, called group homes, are sponsored by local church groups or special agencies. These homes provide supervision and treatment by professionals. Young people benefit from a home-like environment which is more pleasant and less restrictive than a state training school. Group homes permit the young person to attend a community school and receive more intensive treatment than he would receive at home. Most group homes provide counseling to other family members. Regular family visits to the group home are encouraged.

Restitution is another dispositional alternative. It allows the delinquent to repay society for the crime. For example, a young person who vandalized a school may be ordered to mow the grass and help maintain the school building for several weeks. Through his work, the juvenile can repay taxpayers for property damage. He also learns that he is responsible for his own actions. Restitution provides the young person with an opportunity to correct his mistakes.

Training School

Young people who require greater supervision can be committed to training school. Before sending a child to training school, the judge must make two decisions:

1. The child is delinquent;
2. The home community cannot provide the restrictions and supervision that the child needs.

The purpose of training school is to provide supervision and treatment for juveniles who have broken the law. The average length of stay in training school is ten months. Services and programs provided in training school include:

academic, vocational, social work, psychological, psychiatric, recreational, and rehabilitation.

Most juveniles who are sent to training school are behind in their school work. Many have trouble reading. Training schools help students improve their reading and catch up in school. Classes operate 12 months a year.

Training School

State law requires the training schools to:

- Provide appropriate treatment services according to individual needs.
- Provide custody and a safe and humane environment.
- Provide appropriate education for children who have special needs.[17]

Each of the state's five training schools uses the same treatment approach. It is called the Mainstream Program. The purpose of the program is to educate and train delinquent youth to get along in society. Positive behavior is encouraged and quickly rewarded. Undesirable behavior is discouraged and quickly punished. The training school student begins the program at Level I and works up to Level II, then Level III, and finally to Level IV. Each higher level has more privileges than the lower levels. Privileges are obtained with points that are earned for good behavior.

Students at Level IV no longer use points. They simply earn the desired privileges. Students who achieve success at Level IV are eligible for conditional release back to their communities.

A few students have very undesirable behavior. They fail to make any progress in Level I, and they require additional supervision. Usually these students are assigned to C. A. Dillon School in Butner. It is the most secure training school. Dillon School uses a modified Mainstream Program. Students receive extra care and attention. This modified program is very helpful for students who have special problems.

C.A. Dillon Training School

Teen-agers in Prison

Many North Carolina teen-agers between 14 and 18 commit serious crimes. These young people are sent to prison. In fact, six percent of the North Carolina prison population consists of young people under 18. In other words, there 971 prison inmates between the ages of 14 and 18. Four out of five of these young prisoners were convicted of felonies. Nearly three-fourths of them committed property crimes. Most of the other one-fourth committed crimes against persons.

Most of the teen-agers in the state's prisons are designated "youthful offenders." They may be Committed Youthful Offenders (CYO) or Regular Youthful Offenders (RYO). The youthful offender classification identifies teen-agers so that they can be kept away from the older, more hardened prisoners. Young prisoners are kept in special prisons called youth centers. Youth centers have special education, counseling, rehabilitation, and vocational training programs. These programs prepare the youthful offender to successfully re-enter society.

If the young person deserves every advantage the prison system can offer, the judge may give a CYO sentence. This is often called a "one day" sentence. Here is how it works:

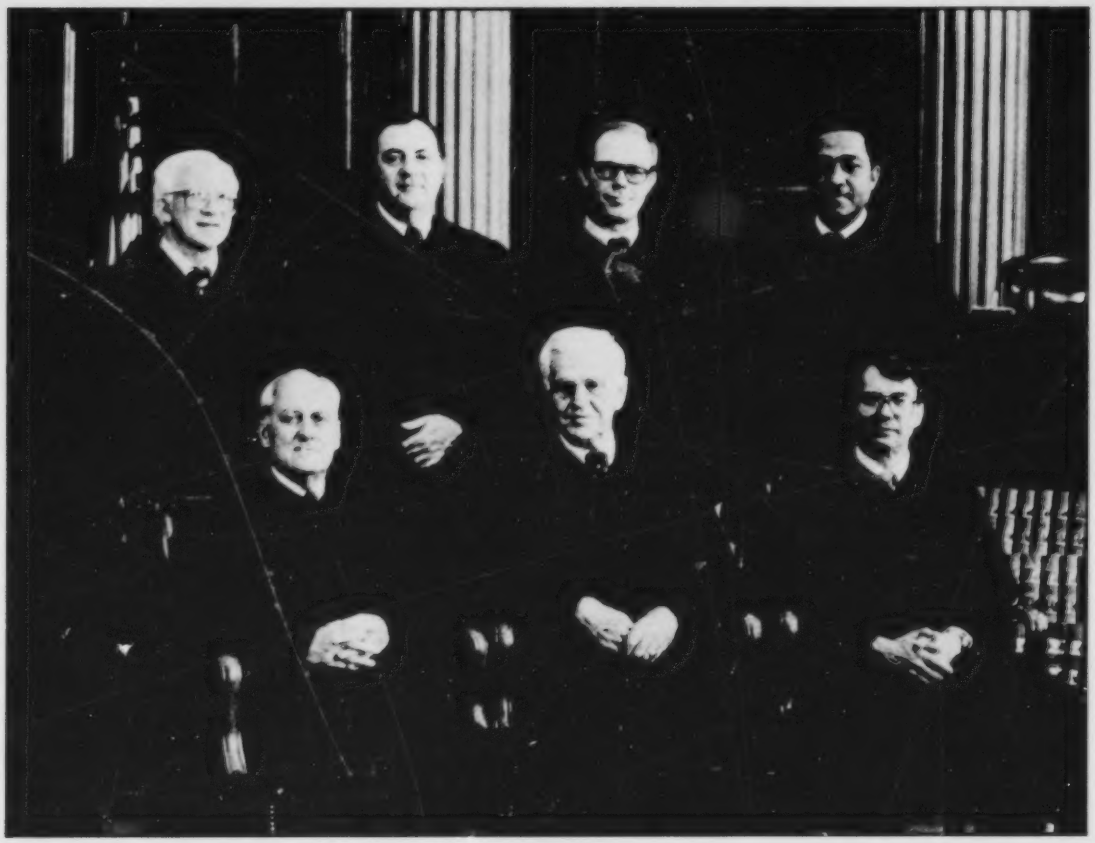
> Bill Sims is found guilty of breaking into the Parkway Service Station where he stole a television, 26 cartons of cigarettes, and a pistol. Judge Helen Dorn sentences him to five years in prison for breaking, entering, and larceny. She stipulates that Bill is sentenced as a committed youthful offender.
>
> When Bill gets to prison it will be a youth center. His sentence will read"...not less than one day or more than five years ..."

The "one day" sentence gives prison officials the option to release inmates on parole when they successfully completed a rehabilitation program. No one is ever released after one day. Few are released in less than three months, because it takes almost that long to do all the testing and evaluation that youth centers do for all new inmates.

When the testing and evaluation is finished, the CYO will be placed in the education and rehabilitation programs that seem best for him. Most CYOs stay in prison for at least one-fourth of their sentences. In the example of Bill Sims, he would probably serve 15 months or more before being paroled.

The judge may decide that the teen-ager does not deserve all of the advantages of a CYO sentence. He may give a regular youthful offender (RYO) sentence.

The teen-ager will receive the advantages of the youth center. He will not receive the "one day" sentence. RYOs are not eligible for early parole. They must serve their time just as if they were adults.



The North Carolina Supreme Court

Summary

The North Carolina Judicial System consists of three divisions: appellate, superior, and district.

Juvenile court hearings take place at the district level. They are closed to the public. All juvenile court records are confidential.

Juveniles may find themselves in court for different reasons. Juveniles who are found guilty of committing crimes are **delinquents**. Young people who are disobedient to parents and teachers, skip school, or run away from home are referred to as **undisciplined**. When parents are unable to care for their children, the children are taken to court as being **dependent**. **Abused** children are those who are physically or mentally mistreated. **Neglected** children are those whose parents fail to provide adequate food, clothing, shelter, and supervision for them.

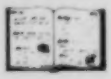
Juvenile courts were established to deal with all five types of juveniles. The purpose of these courts is not to punish innocent children or to separate families. Their purpose is to intervene when families cannot or do not care for their children properly. Also, juvenile courts intervene when children become unmanageable or when they commit crimes. Court authority is based on the doctrine of *parens patriae*, which requires the state to do what is best for children, and also, on due process which provides procedural safeguards in court.

Franklin E. Freeman, Jr.
Director, Administrative Office of the Courts

If we think of civilized living as the game of life, it is the courts that interpret the rules of the game and assess penalties for violating the rules. Courts help bring order to our society by carefully trying to determine facts and by trying to provide fairness for everybody involved in their proceedings. In addition, juvenile court offers protection for children who need it and takes into account the special circumstances of the young persons who are brought before it.

The courts are crucial for order and justice and so are the individual members of our society. A sense of what is right and wrong, an understanding of compassion and justice, concepts of social order and freedom—such things as these depend on the persons who make up our society—you and me; and they are important for developing and interpreting the rules that govern us.

WORD MEANINGS



Most words have several meanings. The best meaning depends on the context for use. Each word below has several meanings; all are correct, but only one is used in this chapter. Choose the meaning used in Chapter Three.

1. superior
   a. having original jurisdiction
   b. above average
   c. the person in charge
2. status
   a. class or prestige
   b. standing or condition (determined by age, sex, or mental capacity)
   c. position or rank
3. care
   a. to like or love
   b. to provide for or attend to
   c. to be concerned about
4. capital
   a. seat of government
   b. available money
   c. punishable by death

THINGS TO THINK ABOUT

1. All courts, including the U.S. Supreme Court, complain that they are "overloaded." Why are the courts so busy? What can be done to improve the court process?
2. What is the difference between "proof beyond a reasonable coubt" and "proof by clear and convincing evidence?"

THINGS TO DO

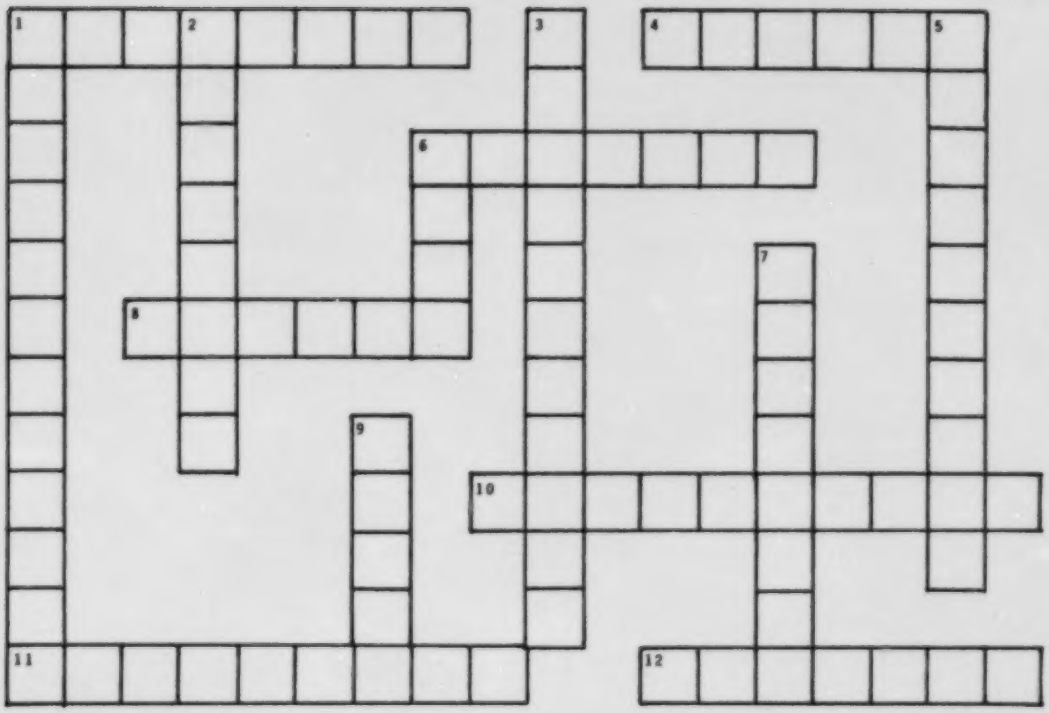
1. Identify the agencies in your county or region that provide services for undisciplined or delinquent juveniles. Describe these services.
2. Attend district court. Describe the actions of the judge, the district attorney, the defense attorney, and the defendant. Does the court operate as you expected it to operate?

FOR FURTHER STUDY

1. Read more about the "child savers" and other juvenile reformers. What was the historical context surrounding these activities?
2. How is the movement for juvenile court reform like or unlike the movement to obtain the right to vote for women?

3

THE COURT SYSTEM



ACROSS

1. Court system
4. Mistreated
6. Fairness
8. Very serious crimes
10. Formal charge
11. Not cared for properly
12. Find guilty

DOWN

1. Original _____
2. Not guilty
3. Less serious crimes
5. Young person who commits a crime
6. Twelve who decide guilt or innocence
7. Report filed in juvenile court
9. Supreme Court decision on "due process"

CHAPTER FOUR

CRIME: PREVENTION AND CONTROL

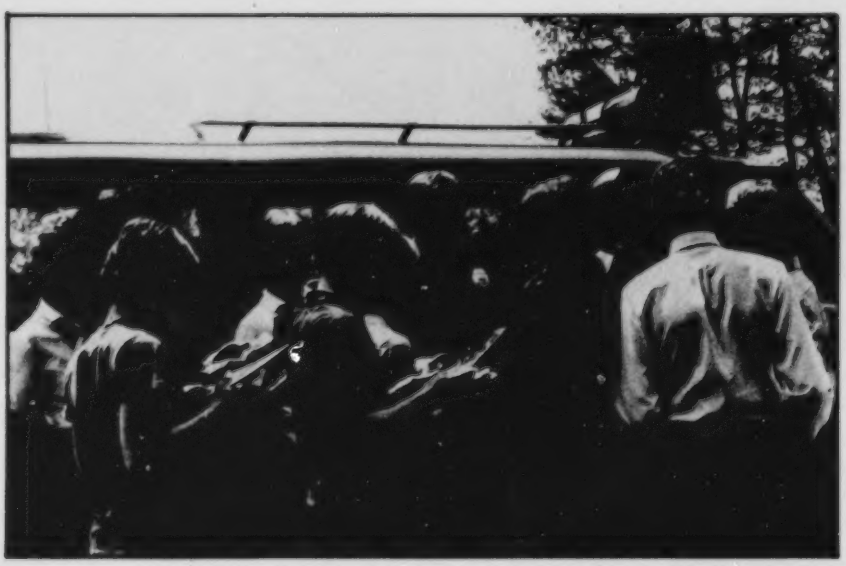
INTRODUCTION

All citizens pay for crime. Victims pay the most. They suffer financial loss, fear, and sorrow for loved ones who are crippled or murdered by criminals.

Those who are not victims also pay. They pay for law enforcement officers to investigate crimes and arrest suspects. They pay for courts to try and convict criminals. They pay for jails and prisons to detain convicted criminals.

In order to reduce crime and its costs, citizens should learn as much as possible about crime prevention. Many police departments and sheriff's offices share crime prevention techniques with community groups. Crime prevention makes it harder for criminals to commit crimes. It also makes life safer and happier for everyone.

When prevention fails, and crimes are committed, the criminal justice system responds. Its purpose is to protect the public, punish the offender, and rehabilitate the offender.



Officers Brief Students on Crime Prevention

CRIME: PREVENTION AND CONTROL

Most Americans choose to obey the law. They attend school, go to work, and live an honest, productive life. Some people, however, choose to disobey the law. They steal, assault, murder, and commit other crimes against property and persons. These criminal acts threaten the happiness and security of law-abiding citizens. Many people are afraid to walk alone at night in their own neighborhoods. They fear for their safety and for the safety of their property.

These fears are not unreasonable ones. The U. S. Department of Justice reports that 30 percent of American households were victimized by crime in 1980.[18] This means that nearly one in every three families experienced loss of property, loss of life, or personal injury as a result of criminal acts.

Crime

Law enforcement agencies must protect the public safety. Officers are trained to respond quickly to reported crimes. They must thoroughly investigate crimes and make arrests when necessary. Law enforcement officers and ordinary citizens want to control crime. They also want to prevent it. In order to control crime and to prevent it, it is necessary to learn as much as possible about it.

The Federal Bureau of Investigation collects information about crime from law enforcement agencies. This information is published each year as the

Uniform Crime Report. The FBI report identifies seven index crimes. These crimes are very serious and are more likely to be reported to the police than other crimes. They include: murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. In late 1978, arson was added as the eighth index crime.

North Carolina has its own uniform crime reporting program within the State Department of Justice. The Police Information Network (PIN) is authorized by state law to collect criminal justice information. Some of this information is used by the FBI in its *Uniform Crime Report*.

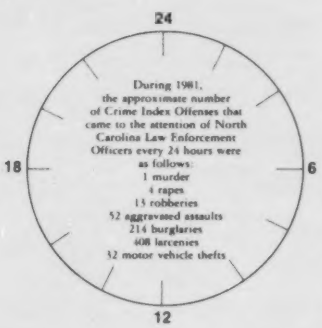
The computerized records of PIN have other uses. PIN provides information on wanted persons and fugitives throughout the country. It collects information on stolen vehicles, stolen boats, stolen property, and stolen license plates. It operates 24 hours a day, seven days a week. This information can be communicated quickly to any law enforcement agency in the state or nation.

Rapid communication makes it difficult for criminals to commit a crime in one state and flee to another one. State law enforcement agencies share information. Modern communication makes it possible to know more about crimes and the people who commit them. Services provided by PIN and the FBI strengthen law enforcement and crime control.

Crime Rates

In 1981, 264,026 index crimes were reported in North Carolina. The *Uniform Crime Report* developed a "crime clock" to show how many crimes are committed each day.

The number of offenses reported to North Carolina law enforcement agencies every 24 hours includes: 1 murder, 4 rapes, 13 robberies, 52 aggravated assaults, 214 burglaries, 408 larcenies, and 32 motor vehicle thefts.[19]



North Carolina Crime Clock

The *Uniform Crime Report* covers only major felonies. A felony is a more serious crime than a misdemeanor. Usually a felony is defined as a criminal offense that is punishable by death or by imprisonment for more than one year. A misdemeanor is not punishable by death. Usually a misdemeanor is an offense punishable by a fine or by imprisonment other than in the state penitentiary. Some crimes, such as larceny, can be classified as either a felony or a misdemeanor. The distinction is based on the value of the property or the seriousness of the crime.

The *Uniform Crime Report* provides a great deal of information about serious crimes. The majority of crimes committed each year are not felonies. Sources other than the *Uniform Crime Report* provide information about lesser crimes.

Types of Crime

What is a crime? It is the violation of a law. There are more than 2,800 federal crimes. This number does not take state laws into account.[20] As lawmakers pass new legislation, the number of possible law violations increases.

It is much easier to discuss crimes when they are summarized into five basic categories.[21] These categories include: predatory crime, illegal service crime, public disorder crime, crimes of negligence, and white collar crime.

Predatory Crimes

Predatory crimes consist of the eight major felonies reported in the FBI *Uniform Crime Report.*These crimes are described as predatory because they have a tendency to victimize or destroy others. In other words, predatory crimes have victims. These victims suffer loss of property, loss of life, or physical harm. Each predatory crime is described below.

1. Murder is the unlawful killing of one person by another.
2. Aggravated assault is the unlawful attempt to cause bodily harm to another person. Most cases of aggravated assault involve the use of a deadly weapon.
3. Forcible rape is actual or attempted sexual intercourse through the actual or threatened use of force. Rape is a crime of violence just as murder or aggravated assault are violent crimes.
4. Robbery is the use of force or fear to take money or personal property from another person against his will.
5. Burglary is the unlawful entry of a building with the intent of committing a crime. Burglary is breaking and entering a dwelling. The crime may consist of entering without using force to break into a building.

6. Larceny-theft is the taking of another person's property without his consent and against his will. These crimes do not involve the use of force or violence. To some people, shoplifting, purse-snatching, and pick-pocketing seem to be very simple and not very serious. The fact is, however, that they are predatory crimes, and they are felonies. These crimes fit into the same category as burglary and robbery. They are very serious.
7. Auto theft is taking an automobile that belongs to someone else without his permission.
8. Arson is the malicious burning of one's own building or someone else's building. Usually the intent is to defraud the insurance company and to collect money, pretending that the fire was accidental.

Illegal Service Crimes

Illegal service crimes do not have a definite victim. They do involve a relationship between a criminal and a customer. Illegal transactions include the sale of untaxed whiskey, marijuana, and other drugs. Prostitution, illegal gambling, and high-interest loans ("loan sharks") are also examples of illegal service crimes.

Illegal Service Crimes

These crimes are more common than predatory crime and involve billions of dollars. They are less likely to be reported because the criminal and his customer usually prefer to have the service. Law enforcement officers must discover and investigate illegal transactions. Sometimes these transactions or deals come to the attention of law enforcement when other crimes are committed. For example, persons who are addicted to or dependent on drugs usually cannot afford to pay for them. These people sometimes commit larceny, assault, robbery, or even murder to finance their habits. Also, the criminals who sell

illegal goods often must use violence to force their customers to pay. This form of violence can result in permanent injury or death.

It is somewhat misleading to say that illegal service crimes do not have victims. Addiction, disease, and the financial ruin of customers make them victims of their own poor judgement. Also, when customers for these services commit crimes to pay for their drug habits or gambling debts, many innocent people become victims.

Public Disorder Crimes

Some behavior is legal in private, but illegal when it occurs in public. Nudity, for example, is perfectly legal when a person is taking a shower in the privacy of his own home. Nudity at a football stadium during a game is a crime. Disorderly conduct, being drunk and disorderly, indecent exposure, vagrancy, and loitering are public disorder crimes.

The law protects citizens from behavior that is inappropriate at certain times and in particular places. For example, it is a public disorder crime to play loud music all night, dance, and make noise if it interferes with a neighbor's sleep. On the other hand, it is not a crime to play loud music and dance all night if it doesn't disturb anyone, and parents permit it.

Crimes of Negligence

Negligence involves careless, thoughtless behavior. Negligent behavior becomes criminal when it has the potential to cause harm. Most of the time the person who commits a crime of negligence did not intend to harm anyone.

The most common crime of negligence involves the careless or reckless driving of an automobile. It can happen when drivers are in a hurry or when driving conditions are dangerous. Often young drivers are eager to test a car's limits and their own driving ability. Showing off, racing, and other foolish behavior have the potential to cause harm.

The most serious form of automobile negligence involves drivers who are under the influence of alcohol or drugs. Driving under the influence (DUI) threatens life and property. Approximately 790 people died in alcohol-related accidents in North Carolina in 1981. This number is greater than the 532 murders reported to the police during the same year.[22]

Nationwide, more than half of all traffic deaths involve a drinking driver. Studies indicate that these drivers are nice people who obey the law most of the time. The fact remains, however, that drinking and driving are against the law. A death or injury caused by a drunk driver is no different than a death or injury caused by an armed robber.

White Collar Crime

> A civilization may be wrecked without any spectacular crimes or criminals but by constant petty breaches of faith and minor complicities on the part of men generally considered very nice people. (Herbert Butterfield)[23]

The popular concept of criminals is that of very unattractive, unsavory gangster types. Television and movie criminals are people who talk tough to each other in alleys and back rooms and who carry weapons.

In reality, a criminal doesn't necessarily look or talk a special way. He may conduct business in an elegant office. In fact, he may commit very serious crimes involving millions of dollars without ever using a weapon.

A white collar crime is committed by a person of respectability and high social status in the course of his occupation.[24] Usually these people never are charged with a criminal offense or taken to court. Some of the things they do are not even classified as criminal.

Who commits white collar crime? Any person who avoids income taxes illegally is a white collar criminal. Businessmen who pad their expense accounts are breaking the law.

Doctors who perform unnecessary surgery, government officials who take bribes, and police officers who "fix" traffic tickets are criminals. People who engage in embezzlement, real estate swindles, and false advertising are criminals too.

Perhaps the most famous white collar criminals are those former White House officials who became involved in the "Watergate" conspiracy. The Watergate conspirators were "respectable" people who used illegal campaign methods to re-elect the President. Unlike most white collar criminals, they were convicted and sent to prison.

It all began on June 17, 1972 when five men were caught breaking into the Watergate offices of the National Democratic Committee. At first the criminals appeared to be a group of "third rate burglars." This was not the case. These burglars had connections to officials who were very close to the President.

The Watergate break-in was the first of many illegal acts referred to as "Watergate." Illegal wiretappings, financial irregularities, and numerous "dirty tricks" were discovered. All of these illegal activities were traced back to White House officials and campaign staff.

President Nixon and his closest advisers denied any wrongdoing. Because of the persistence of reporters, investigators, special prosecutors, and a Select

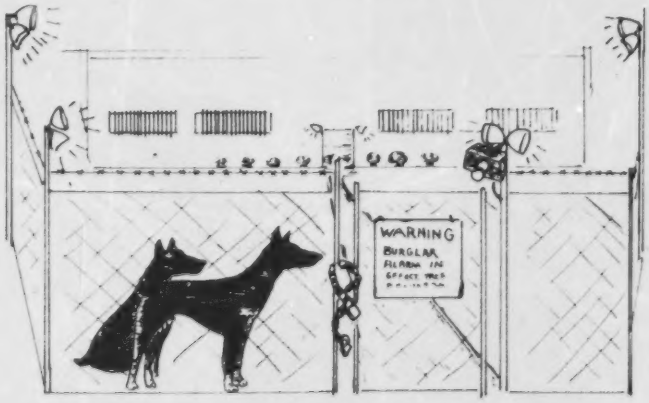
60

Senate Committee, Watergate was investigated and prosecuted. A number of men were convicted and sent to prison. Among them were the President's top two aides, Haldeman and Ehrlichman. The President's own attorney, John Dean, as well as former Attorney General John Mitchell, were convicted and sent to prison. President Nixon became the first President to resign. The Watergate "burglars" as well as staff members served time in prison.

During that time, North Carolina Attorney General Rufus Edmisten served as Deupty Chief Counsel to Senator Sam Ervin's Select Senate Committee. Throughout the hearings, Mr. Edmisten heard many officials deny that they had committed any wrongdoing. According to Mr. Edmisten, "A dangerous precedent was established in this country. Since Watergate, other political and business leaders who break the law try to deny it. They insist that they have done nothing wrong. They claim that newspaper accounts of their criminal involvement are lies. Although most public officials are honest, a few are not. When these few pretend that they are innocent, it is difficult to see that justice is carried out."

Costs of Crime

The five types of crime are very costly. Each year North Carolinians are robbed of millions of dollars worth of property. Victims spend millions of dollars for expensive medical treatment. They lose time from work while in the hospital. Witnesses lose work time and wages when they testify in court.



Security and Surveillance

Store owners spend millions of dollars each year on sophisticated electronic surveillance equipment, security guards, and property insurance. Indirectly the consumer pays for security systems through higher prices for clothes, records, stereos, food, and other goods.

Crime is very expensive financially. Psychological costs are expensive too. The victims of crime suffer physical pain and emotional trauma. Families and friends experience sorrow over the deaths of loved ones.

People who are not direct victims of crime also suffer. They become afraid when they read about crime or see it on television. They are afraid to leave their homes at night. Some people are afraid to speak to strangers.

Parents are concerned that their children will become involved with drug dealers. They question the safety of schools and other places where young people meet.

White collar crime creates feelings of distrust. Taxpayers express a loss of confidence in government. Patients become suspicious of doctors. Consumers feel "ripped off" when products break down.

Because of the financial, emotional, and psychological costs of crime, it is not surprising that citizens demand protection from people who break the law. The criminal justice system is designed to do just that. This system includes law enforcement agencies, the courts, and prisons. The duties of these agencies are defined by law.

Criminal laws and procedures serve two major purposes. The first is to state the law and to list the penalties for breaking it. For example, armed robbery is against the law. Also, according to law, the penalty for armed robbery is a mandatory prison sentence of seven years. The law protects citizens by removing criminals from society and putting them behind bars.

The second purpose of criminal laws and procedures is very different from the first. Laws are written to protect the individual who is charged with committing a crime. The United States legal system assumes that all persons are innocent until proven guilty. It is the responsibility of the state to prove guilt beyond a reasonable doubt.

Criminal laws and procedures are very technical. In order to obtain a conviction, police officers, district attorneys, and judges must follow the law. These laws determine how suspects are arrested and how evidence is obtained.

The Fifth Amendment gives all citizens the protection of "due process." No one can be convicted of a crime and deprived of life, liberty, property, or any other right without it. Due process refers to the processes of court. The accused must be informed of the charges against him. He must have an opportunity to be heard in court. Due process forbids that a judgement be made without a trial.

Sentencing

When convicted by the court, criminals must be sentenced. Sentence is determined by the law and by what the judge considers to be in the best interest of society and of the criminal. In some cases, criminals are fined.

Example: Roger Blake is convicted of having half an ounce of marijuana in his possession. Judge Elizabeth Locklear sentences Roger to pay a fine of $100.

In other cases, convicted criminals are placed on probation.

Example: Julie Harper pleads guilty to a charge of writing a bad check for $23.92 to Simpson's Drug Store. Judge Morris Kaplan learns that Julie was out of work and her baby was sick when she wrote the check. He sentences her to serve 30 days in jail, suspends the jail sentence, and places her on probation for one year. A condition of Julie's probation is that she pay Simpson's Drug Store $23.92.

Others, however, must serve time in the state penitentiary.

Example: Barry Dubose is convicted of the burglary of Mary Martinez's apartment. Judge Frank Maxwell sentences Barry to 45 years in prison.

Prisons

Prisons became the major form of punishment in the United States about 125 years ago. Before then, harsh physical punishment was widely used. Stocks, pillories, mutilations, whippings, hangings, and burning at the stake gradually became thought of as inhumane. The Quakers began the first American prison in 1790. They believed that people who broke the law would become "penitents" and confess their crimes before God in silent confinement. The purpose of the "penitentiary" was to allow spiritual rehabilitation to occur.[25]

Today the purpose of imprisonment has changed. It is widely believed that prisons serve four major purposes. They are:

1. To punish people who break the law;
2. To prevent or deter others from breaking the law;
3. To prevent criminals from committing additional crimes;
4. To rehabilitate criminals or change them into law-abiding citizens.[26]

Prisons probably best accomplish the first purpose. They are an excellent form of punishment. Loss of liberty, loss of friends and family, and loss of employment would be considered by anyone to be a severe punishment. Loss of privacy and material comfort also occur in prison.

Punishment does not end when inmates are released from prison. Ex-convicts find that almost everyone loses trust in them. Most people don't want an ex-con

working for them, living with them, or playing with them. Without friends, family, or a job, many ex-offenders find themselves breaking the law again. The rate of recidivism, or returning to prison, is very high.

The threat of imprisonment does prevent some people from becoming criminals. Others aren't discouraged because they believe that they will never get caught. When caught, these people are prevented from committing additional crimes, at least while they are in prison.

Rehabilitation is intended to change criminals into non-criminals. It is very difficult to accomplish when human beings are locked up and have no rights. Most people find it difficult to think or act like a non-criminal while being treated like one.

North Carolina Prisons

The North Carolina prison system was established by the Constitution of 1868. This constitution eliminated the use of physical punishment (such as stocks, pillories, and whippings). It substituted fines and imprisonment as the most frequently used forms of punishment. The death penalty was limited to four crimes: arson, rape, murder, and burglary.

Raleigh's Central Prison opened in 1884. Men and women were housed in separate sections. Children were imprisoned there until the opening of Jackson Training School in 1911. Women prisoners were removed from Central Prison in 1935. They stayed in a road camp which was renamed the North Carolina Correctional Center for Women in 1938.

Central Prison, Raleigh

Between 1933 and 1957, the State Highway Department operated state prisons. Prisoners built and maintained the roads. The Highway Department built small prison units across the state. Inmates lived near the roads that needed work. Most of these prisons are still used. This explains why North Carolina has 83 prison units—more than most states.

The state prisons became a separate department in 1957. Since then many changes have been made in the operation of prisons.

The name was changed to the North Carolina Department of Correction. This change reflects the state's philosophy of correction and rehabilitation.

Criminals are given probation, prison sentences, and parole in whatever combination best meets their needs.

Work release programs allow prisoners with good behavior to get jobs outside the prison. Not only do they save money for use upon release, but also they are able to work each day in a normal job. Work release programs improve their chances of staying out of trouble when they are released.

North Carolina operates several prisons for youthful offenders. Young prisoners respond better to treatment than older ones. In the youthful offender prisons, education, rehabilitation, and counseling programs increase the chances that the offender will not commit any offenses when he is released.

Prisoners who want to further their education may be allowed to attend college during the day. They must live at the prison. Educational leave is a privilege for prisoners who maintain a record of excellent behavior.

Some prisoners are eligible for parole prior to the completion of their sentences. An inmate who has a record of good behavior may be recommended for early release. This release is conditional. The prisoner must report regularly to a parole officer. He must follow special rules and regulations. Most importantly, he must stay out of trouble. If he breaks any law, parole is revoked and he continues his sentence in prison.

Parole is another method for providing supervision and support to former inmates. It is one way of helping the prisoner succeed as an ordinary citizen.

Home leave and pre-release programs give prisoners a chance to spend weekends and holidays in their own homes before they are released. A gradual period of readjustment helps the prisoner adapt to life outside.

Summary

Crime is a serious threat to the safety and security of American citizens. Each year approximately one in every three families is a victim of crime.

Both state and federal agencies work to control crime and to prevent it. Rapid communication enables law enforcement agencies to share information.

Eight major felonies are reported in the F.B.I.'s *Uniform Crime Report.* These felonies are the most serious crimes committed each year. Lesser crimes are called misdemeanors.

Convicted criminals are sentenced by the courts. Some spend a short time in jail. Others spend years in the state penitentiary. Many who commit crimes are required to pay fines or perform community service.

Rae H. McNamara
Director of Prisons
N.C. Department of Correction

Prisoners are human beings who have needs just as other people have. Opportunities for education, training, and recreation must be made available to inmates. When they are released, prisoners must be prepared to live "outside." Pre-release programs, work release programs, and parole enable prison officials to supervise the adjustment process and to improve the inmate's chances of staying out of trouble.

WORD MEANINGS

Most words have several meanings. The best meaning depends on the context for use. Each word below has several meanings; all are correct, but only one is used in this chapter. Choose the meaning used in Chapter Four.

1. arrest
   a. to stop or slow down
   b. to interrupt
   c. to jail or imprison
2. index
   a. a finger
   b. an alphabetical list
   c. statistical data
3. sentence
   a. punishment or penalty
   b. an axiom or maxim
   c. a grammatical expression
4. offense
   a. resentment
   b. a crime
   c. in possession of the ball

THINGS TO THINK ABOUT

1. Which pose the greatest threat to American society, predatory crime or white collar crime? Why?
2. Are illegal service crimes (gambling, prostitution, drug peddling) really victimless crimes? Why or why not?

THINGS TO DO

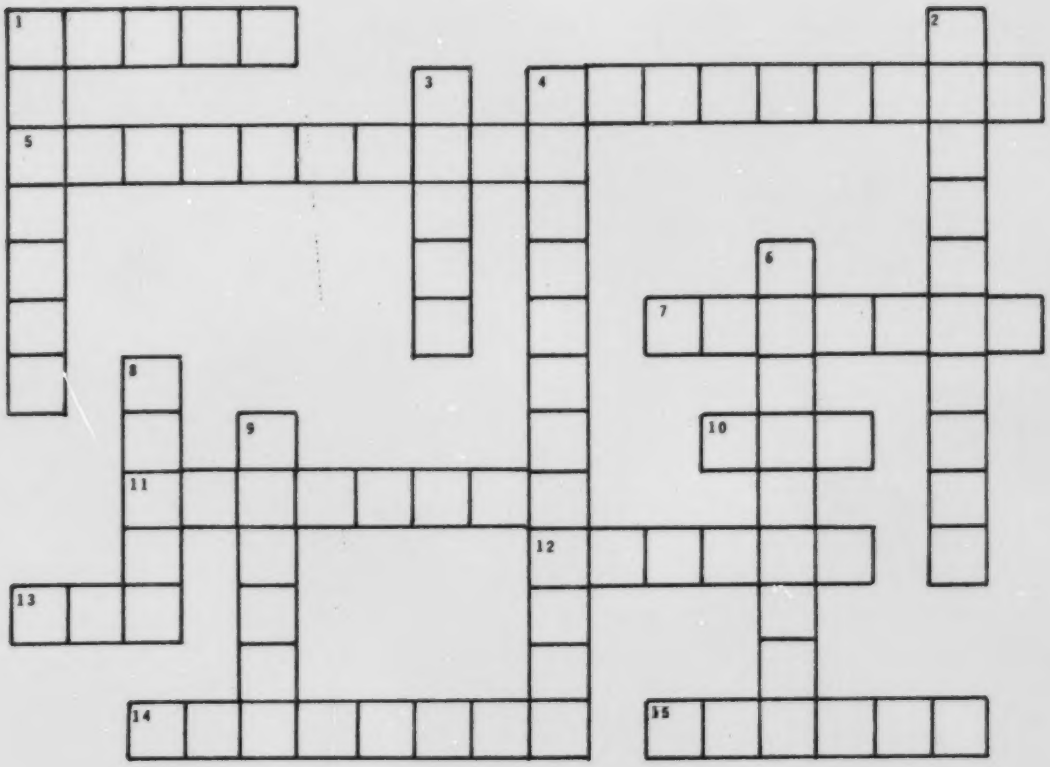
1. Attend traffic court and count the number of alcohol-related cases that are tried.
2. Identify the prison unit nearest your home. How many inmates are there? What type of prison is it (minimum security, maximum security, etc.)?

FOR FURTHER STUDY

1. Learn more about the influence of alcohol on criminal behavior. Read books, magazines, newspapers, and talk to a law enforcement officer.
2. Read more about the Watergate conspiracy.

4

CRIME: PREVENTION AND CONTROL



ACROSS

1. Law violation
4. Crimes that have victims
5. Careless, thoughtless behavior
7. Theft
10. Federal Bureau of Investigation
11. To steal from a store
12. Prisoner
13. Police Information Network (Abbreviation)
14. Unlawful entry with intent to commit a crime
15. Purpose of prison

DOWN

1. _____ Prison in Raleigh
2. Method of reducing crime
3. Seven or eight _____ crimes
4. Prison
6. Court supervision
8. Malicious burning of property
9. White _____ crime

68

CHAPTER FIVE

THE RIGHTS OF CITIZENSHIP

INTRODUCTION

The U. S. Constitution and the American legal system define and protect the rights of all citizens. It is the responsibility of each individual to learn the law and to respect the rights of others.

As teen-agers outgrow some of the legal provisions for children, they must assume additional responsibility for themselves. Self-discipline and self-control are important traits of the young adult.

As young people get closer to the age of majority, it is important to seek the advice and guidance of experienced adults. Select friends with care. Make good decisions and exercise rights responsibly.

Learning the Law

THE RIGHTS OF CITIZENSHIP

Americans are very fond of reminding each other of the rights of citizenship. Indeed, there are many rights or privileges to enjoy. To begin with, Americans have the first ten amendments to the Constitution—the Bill of Rights. These rights guarantee that government will not interfere with basic privileges. They include freedom of the press, freedom of religion, freedom of speech, and freedom of assembly.

In addition to the Bill of Rights, the Fourteenth Amendment is cited as one of the basic rights of all Americans. It provides "due process of law" and "equal protection of the laws" to all.

A constant theme throughout this book has been that young people who are under 18 years of age have a special legal status. This special status is designed to protect youth.

As older teen-agers approach adulthood, they find that some of the provisions for children no longer apply, but that some of the privileges of adulthood are not yet within reach. For example, a 16-year-old is no longer required to go to school. On the other hand, a 16-year-old usually cannot hold down a job and support himself. His parents are legally responsible for him until he is 18. Also, a 16-year-old is old enough for a driver's license but too young to get a marriage license.

The rights and privileges of teen-agers are somewhat different from those of younger children and older adults. A few of the basic rights and privileges are described below.

Student Rights

All young people have the right to a free public education. The law requires school attendance for children between the ages of seven and 16. Students between 16 and 21 years of age may attend school until they graduate. Anyone who is 21 years old or older must have special approval of the principal and superintendent to attend.[27]

Students have the right to express themselves through newsletters, posters, newspapers, and other written materials. These materials must not disrupt the normal operation of the school or interfere with the rights of others. School officials have the right to say when, where, and how written materials can be passed out. Also, they have the right to review all materials before publication.

The right of free speech does not protect students whose speech or conduct disrupts or interferes with school activities.

Schools are responsible for the supervision and discipline of students. School administrators have the right and the responsibility to investigate any possibility of disruptive or illegal activity. They may search student lockers or any other school property without a warrant. In some situations, students may be searched. These searches are allowed for the purpose of maintaining order and discipline in the school. School officials are not required to follow the strict standards that law enforcement officers must follow.

Each school should distribute a written policy of student conduct at the beginning of the school year. The policy should explain school rules and state the punishment for disobedience. The procedures for student appeals also should be explained.

Students have the right to a free public education and the responsibility for obeying the rules. School officials have the right to expect good behavior. They are responsible for protecting the rights of all students, teachers, and other employees.

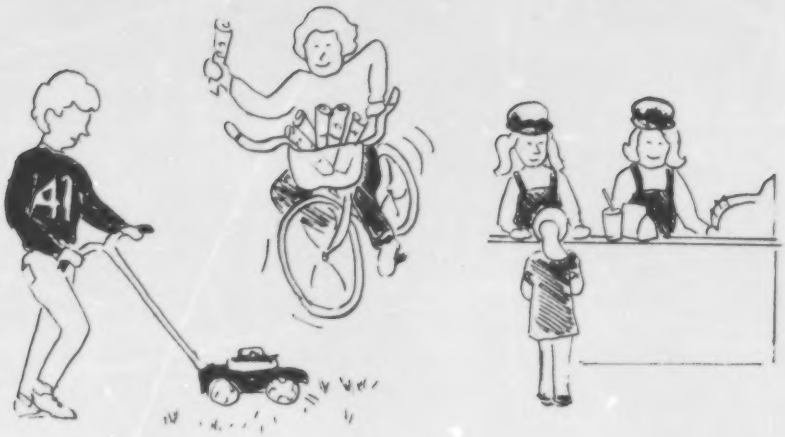
Employment Rights

North Carolina law limits the amount of time and types of work that anyone under 18 can perform. Three requirements must be met before a minor can be hired:

1. He must be at least 14 years old;
2. He must obtain a youth employment certificate;
3. He must have parental permission.

Fourteen and 15-year-olds are permitted to hold some jobs. These include office workers, sales clerks, and parking lot attendants. The work time is limited to no more than three hours per day when school is in session, up to six hours on the last day of the school week, and up to eight hours on days when there is no school. The work hours must be between 7:00 a.m. and 7:00 p.m. The hours may be extended to 9:00 p.m. when there is no school the next day.

Sixteen and 17-year-olds have no special limits on working hours. They may work in any job other than those declared hazardous by the Department of Labor. Hazardous jobs include: driving a motor vehicle, operating sawing or cutting machinery, handling explosive or radioactive substances, roofing, excavation and demolition.



Employment

The law grants 12 and 13-year-olds special permission to deliver newspapers up to three hours per day without a youth employment certificate. Fourteen and 15-year-olds who work for their parents do not have to limit their work hours. They may work as long as needed.

Farm work and baby-sitting do not require employment certificates or a minimum age. No one under 16 may work where alcoholic drinks are prepared or sold. No one under 18 may prepare, serve, or sell alcoholic drinks.

Parents who do not want their children to work can have the youth employment certificate revoked. This action makes it illegal for employment to continue. Young people, their parents, and employers are responsible for obeying youth employment laws.

Contractual Rights

Most contracts by minors are voidable, but not void. This means that anyone who makes a contract before his eighteenth birthday can change his mind at any time until that birthday. The contract becomes binding when he reaches 18, unless he changes his mind. For this reason most adults are unwilling to contract with a minor.

> Example: Tom Johnson is 16 and has a minibike. He needs a place to ride it during the summer. Mr. Heart has a large unused field behind his house. He agrees to let Tom ride the minibike in his field during the summer. In return, Tom agrees to rake Mr. Heart's yard every Saturday morning in September. Tom joins the YMCA soccer team. Their games are every Saturday morning beginning the second week in September. He decides to play soccer instead of raking Mr. Heart's yard. Tom voids the contract. According to law, Tom has the right to void the contract. His behavior is irresponsible, although it is not illegal.

Property Rights

Young people have the right to acquire and own property. This right includes personal property such as stereos, clothing or jewelry, as well as real property such as houses, vacant lots, and farms. Not even parents have the right to exercise control over a young person's property.

Property belongs to the young person who pays for it with his own money. If parents have any rights to the money used to purchase the property, they also may claim rights to the property. Parents who have no rights to the money have no rights to the property.

> Example: Rose Jones wins a national photography contest at age 15. She buys herself a waterbed with part of the prize money. While she is away at the School of the Arts for two years her mother sleeps on Rose's bed.
>
> Rose graduates and gets a job as a newspaper photographer. She goes home to get her things. Mrs. Jones has to give up the bed because it is Rose's personal property.

Emancipation Rights

The legal age of majority is 18. Once the eighteenth birthday is reached, special laws affecting juveniles no longer apply. An 18-year-old may sign contracts, get a job, get married, vote, and join the armed services without the permission of his parents.

In some cases, a person between the ages of 16 and 18 may be "emancipated." Emancipation means that the young person is no longer subject to the supervision and control of parents. Also, it means that parents are not required to care for and support their child.

Emancipation is obtained through a court petition. The judge considers three questions:

1. **Is emancipation in the best interest of the child?**
   - — Are family problems so bad that there is no chance of resolving them?
   - — Does the child need to enter into contracts or business agreements?
   - — Can the child handle the responsibility of living away from home?
2. **Does the child have a proper plan for living arrangements and expenses?**
   - — Will the child be safe?
   - — Will the child be comfortable and happy?
   - — Will the child have enough money to pay the bills?
3. **Does the child understand the meaning of emancipation?**
   - — Emancipation cannot be reversed.
   - — Parents are relieved of all rights and responsibilities with respect to the child.
   - — The child can transact business and be treated like an adult.

If the judge finds that the child should be emancipated, the court will issue a certificate of emancipation. That certificate has the same effect that turning 18 years old would have. There are two major exceptions. Drinking and voting rights are not included with emancipation.

Marriage and Pregnancy Rights

Anyone under the age of 18 must have parental permission to get married. Marriage before age 18 causes automatic emancipation. It does not affect one's right to an education.

A pregnant girl above the age of 12 may get married if she has the written consent of her parents. If the father of the child is between 16 and 18, he must obtain written consent from his parents to get married. It is not against the law for a young girl to be pregnant. Pregnant girls have the right to continue their education. School officials are required to treat pregnancy like any other medical condition.

Obtaining New Rights

Americans also have the right to work for the expansion of basic rights. They can talk to public officials, write to them, sign petitions, or sponsor ads that advocate special causes. Throughout history, groups and individuals have worked to obtain new rights. Their efforts often take many years. The leading advocates of these rights sometimes are not able to enjoy them in their own lifetimes. Nonetheless, they work very hard to obtain rights for future generations to enjoy.

Freedom of Expression

Susan B. Anthony spent her entire life working for the abolition of slavery and for the enfranchisement of women. Both goals were achieved although she had never been a slave and she died before receiving the right to vote.

History records the struggles of other courageous Americans who worked for the rights of others. Martin Luther King, Jr. worked for civil rights and voting rights. Today citizens speak out for women's rights, equal rights, abortion rights, the right to life, and other rights.

Protecting Rights

Americans have the right to go to court to protect their rights. Court cases dealing with the right to an education, the right to vote, or the right to work often get national attention. College admissions requirements, business employment practices, and medical treatments have been reviewed by the courts many times.

Citizenship

Most people are not forced to go to court or to become human rights activists in order to protect their rights. The best protection of the rights of all Americans is the practice of good citizenship.

Good citizenship is an active, dynamic process. It is based on two important principles. The first one is an understanding of our country, its form of government, its system of laws, and the rights of citizenship. The second important principle of good citizenship is the willingness to obey the law and to respect the rights of others.

Decision-Making

Each individual must decide for himself whether to obey the law. These decisions occur at home, at school, on the job, and at athletic events. Decisions must be made while shopping, driving, taking an exam, or running an errand.

In addition to his decision to obey the law, each person must decide to act with responsibility. There are at least as many responsibilities as rights, if not more. Good citizenship requires obedience to the law and acknowledgement of responsibilities.

> No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right; not asked as a favor. (Theodore Roosevelt)[28]

In addition to obeying the law, it is necessary to accept social, moral, and legal responsibilities. For example, the compulsory school attendance law requires young people to attend school until their sixteenth birthday. Some students

obey the law and attend school. While at school, however, they disregard their social, moral, and legal responsibilities as students.

Some students ignore their social responsibilities at school. All students should respect the educational rights of their classmates. Those who disrupt class, defy teachers, and annoy students are socially irresponsible. Furthermore, they are violating the educational rights of others.

Coach Jim Valvano
North Carolina State University

After several years of coaching, I learned an important lesson. I learned that we cannot measure our success just by counting wins and losses. Many times our best effort results in a loss.

Nothing is wrong with failure. It is a part of all our lives. You cannot be a winner all of the time. Every time someone wins, someone else loses. The most important thing is your attitude about winning and losing.

All the young people I have coached who were successful had a good self-image. That is, they felt good about themselves. When they won, they accepted it with grace and dignity. When they lost they had the courage to try again.

In everyday life, those who give up on themselves after a few setbacks are most likely to get into trouble. Their self-image is tarnished and they lack the courage to make the right decisions.

Never give up on yourself. Give your best whether you win or lose. It's always too soon to quit.

Some students overlook moral responsibilities. They are unwilling to report classmates who cheat on tests. Others are afraid to report drug deals. In cases of school vandalism, some students refuse to pass along information to the police. These students have not disobeyed the law. Neither have they accepted moral responsibility.

Students who steal or destroy school property are violating their legal responsibilities. Even if they are not caught and punished, they have committed a crime.

Most convicted criminals begin with minor offenses. After committing two or three small offenses that go unpunished, they start taking bigger risks. What began as skipping school and smoking marijuana leads up to petty larceny. Still uncaught, the young person tries a few more offenses. This pattern of committing more serious crimes continues until that person commits a felony and gets caught.

One of the most common statements made by inmates in the North Carolina prison system is: "I wish I'd gotten caught sooner. Maybe if I had been punished for the little things I did as a kid, I would have stopped."

This comment was made by an inmate at Women's Prison named Darlene. At the age of 18 she was convicted of first degree murder, armed robbery, and automobile theft. Now at the age of 23, she has served only five years of her sentence. She was sentenced to life plus 60 years.

Darlene agreed to be interviewed for this book, hoping that others can learn from her mistake. Below is her description of her crime and of life in prison.

I am in prison. When I was 18 years old, I was convicted of first degree murder, armed robbery, and automobile theft. It was never intended to be that way. I didn't mean to hurt anybody. The armed robbery went wrong.

My boyfriend wanted me to get some money for him. He waited in the car while I went inside to rob a grocery store. I had gotten away with so many little things that I believed I could get away with this too. I was scared, and the man tried to stop me. The gun fired, and he was dead. I did not get any money.

My prison sentence is life plus 60 years. I was lucky that they didn't sentence me to die in the gas chamber.

If my behavior and work records are good, I may get paroled in the year 2000. I'll be 40 years old—too old to have children, too old to have a successful career. Five minutes of stupid behavior has ruined my life and ended the life of another.

Prison is a horrible place. I never know if someone is planning to stab me, steal something of mine, or try to get me into trouble. Those who work here control my life. They tell me when to go to bed, when to get up, what to eat, where to work, and what to watch on television.

Getting into trouble starts small. The little things we get away with tempt us to do more serious things. Most of us get into trouble because of the company we keep. If your friends get into trouble, you probably will too.

You are not too young to come to prison.

Most people are horrified at the mention of convicted felons. There are those who consider themselves to be law-abiding citizens who just like to have a little fun every now and then. Their fun is often held at someone else's expense. Then there are others who have good reason to believe that someone else has broken the law. They would rather not become involved.

Below are two examples of law-abiding citizens. Are they acting responsibly?

Example 1: Meredith likes to practice drums after school each afternoon. The full set stands in her bedroom at the end of the house. Her parents prefer that she practice before they get home at 6:00. Her father claims that the noise makes his blood pressure soar.

Meredith's neighbor, Mrs. Barnes, doesn't like to hear drum practice after school. Her three-month-old baby almost always sleeps at that time. The noise wakes him up and he cries and fusses until bedtime.

Mrs. Barnes has asked Meredith to wait another 45 minutes to an hour to practice. Meredith's response is, "It's a free country isn't it? I'll practice when I want to. Put that baby to bed earlier so he can finish his nap!" Meredith feels that her parents and her neighbor spend too much time telling her what to do. She can make her own decisions and practice when she wants to do it.

The issue is not whether Meredith has the right to practice drums. The real issue is whether Meredith is responsible enough to practice drums and respect the rights of others. Is it unreasonable to expect Meredith to delay practice for 45 minutes?

Example 2: Mr. Redman teaches physical education at Village Junior High. During basketball season he notices that John has very large bruises on his legs. A week later John comes to class with a broken arm, a swollen nose, and a bruised face. He tells Mr. Redman that he was in a car wreck. No one else was injured. John seems very depressed and withdrawn.

Mr. Redman doesn't believe John's story. He thinks that John may have been beaten and abused at home. The problem is, he's not sure. John could have been in a car wreck. Besides if he reports it and he's wrong, John's father may find out who called. His father is known for his bad temper, and he's a member of the school board.

Mr. Redman is legally obligated to report his suspicions to the department of social services. He may do so anonymously if he pleases. Failure to do so is against the law. Furthermore, if he does not report it, Mr. Redman has violated his social and moral obligations to his community and his students.

Responsible Decision-Making

Teen-agers are faced with making many serious decisions that have a great impact on the future. Pressure to achieve in studies, excel in sports, earn money, and be popular at school become very intense. Everyone seems to expect so much. There are too many demands on one's time and energy.

It is very important during periods of stress and decision-making to remain calm and keep a clear head. Unfortunately, there are opportunities to "take something" for relaxation or relief from tension. These opportunities begin as subtle suggestions that drugs or alcohol can make one forget problems or escape unpleasant situations.

Magazines and television advertising suggest that alcoholic beverages provide the keys to personal success. Similar ads suggest over-the-counter medications that cure just about every illness, particularly those caused by stress.

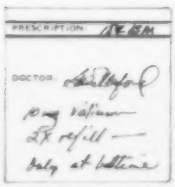
Some people choose to see a physician and ask her for a little "nerve" medicine. Others know where their parents keep sedatives and tranquilizers. It becomes easy to take one or two pills every now and then.

The worst possible suggestion comes from local drug dealers. They sell illegally obtained prescription drugs or illegally produced substances. They promise young people that drugs will calm them down, pep them up, or give them a high.

Drugs

Aspirin, alcohol, tranquilizers, and illegal substances such as heroin are drugs and have the potential for abuse. They differ in how they affect the body and in their legal availability.

Over-the-counter medications are available to anyone. They can be used excessively and for the wrong reasons. For example, some people take aspirin every time they think they might have a headache. In this manner, even aspirin can be abused.



Prescription medications are used for legitimate medical purposes. People who have diabetes or epilepsy must take medication (drugs) regularly in order to live a normal life. Drugs are sometimes used in psychiatric treatment and in the dentist's office. Prescribed medications are useful for treating infections, allergies, and a long list of diseases. Prescribed medicines also can be abused.

Alcohol is another drug. Some cough syrups and other medications contain a small amount of alcohol. Alcohol can be purchased legally. It is most commonly used as a social beverage.

Illegal drugs include marijuana, cocaine, heroin, LSD, angel dust, and many others. State and federal laws prohibit the manufacture, sale, and possession of these illegal substances. Drug traffickers choose to disobey these laws and produce illegal substances or import them from other countries. They try to make millions of dollars by selling drugs at very high prices.

Illegal drugs pose many problems. First of all, the drugs have harmful physical and psychological effects. Secondly, these drugs are often mixed with other harmful substances. Heroin and cocaine are usually "cut" with another substance. That substance may be as harmless as sugar or as poisonous as strichnine. (Illegal drugs are not inspected by the Food and Drug Administration or any other consumer safety group.)

Illegal drugs are also very expensive. Most users who become addicted cannot afford to pay for them. They are forced to commit crimes in order to obtain money. In other words, they commit larceny, burglary, shoplifting, and other crimes to finance an illegal drug habit.

Effects of Drugs

The abuse of any drug leads to changes in mood, attitude, perception, personality, and behavior. In some cases, these changes are temporary and wear off after a few hours. In other cases, there are long-term effects from brain damage.

Narcotics, alcohol, marijuana, cocaine and other drugs can create a dependency. This dependency can be physiological, psychological, or both. Physical dependency results in pain, illness, and even death when the drug is withdrawn. Psychological dependency results in depression, despair, and may lead to suicide when the drug is withdrawn.

Other side effects of drugs include inability to concentrate or remember, malnutrition, preoccupation, nervousness, nausea, convulsions, and hallucinations.

Because of changes in mood and perception, people who are under the influence of drugs sometimes exhibit unpredictable and uncontrollable behavior. At times they are so confused that they commit crimes without realizing what they are doing.

A young man at Polk Youth Center is serving a life sentence for crimes he committed while under the influence of drugs and alcohol. Below is his description of his crime and his advice to young people.

My name is Ronnie. I am serving a life sentence at Polk Youth Center for first degree burglary and second degree murder. I was 18 years old when I got convicted.

For me, getting into trouble began with little things like skipping school, smoking marijuana, drinking, and shoplifting. I started drinking and smoking dope in the ninth grade. I didn't consider myself bad, but one thing led to another. By the time I graduated I was heavy into drugs.

One night a friend and I went out in my car. We drank a lot of beer and did some drugs. My car broke down near this place where I used to work. I still had the key, so I went in to use the phone. The owner was there, but I didn't know it. He caught me inside and accused me of breaking in. We got into an argument, I cut him, and he bled to death.

If I had never started on alcohol and drugs my head would have been clear, and I would not have gone inside the place.

Most young people get into trouble because they let their friends talk them into doing something wrong. You have to be strong and independent. Have friends, but keep your independence.

Stay active. Sports, clubs, school programs, and church activities are better than just wasting time.

The worst thing about being in prison is loosing your freedom. I don't have any independence or privacy. The people in charge make all of the decisions, and they watch me all the time.

It is lonely here. I miss my family and friends. I think about the little things I used to do—getting something out of the refrigerator, calling a friend, walking in the park. I can't do those things anymore.

I will be eligible for parole in 2002. I'll be 39 years old. I'd give anything to go back and re-do that night.

Drug Laws

The law that identifies the drugs, describes the violations, and states the penalties is the North Carolina Controlled Substances Act.[29] The Act classifies drugs into six categories. These categories are called schedules. Penalties are stated for the different kinds of involvement within each schedule. Penalties range from 45 years in prison and a $500,000 fine to a $100 fine.

Former United States Senator Robert Morgan is concerned about young people who violate the Controlled Substances Act.

Robert Morgan

Young people do not realize the seriousness of drug abuse. First of all, it affects their abilities to think clearly. I've represented teenagers in court who were charged with committing serious crimes while under the influence of drugs. Secondly, there are severe legal penalties for the possession, sale, or manufacture of drugs. Thirdly, and quite tragically, those who use drugs are not aware of future consequences. Any previous use of drugs often disqualifies people from professional school and eliminates them from many occupations.

The North Carolina Controlled Substances Act

Drugs listed in Schedules I through VI are called controlled substances. Under North Carolina law it is illegal to:

1. Make, sell, deliver, or possess with intent to sell or deliver a controlled substance;
2. Make, sell, deliver, or possess a counterfeit controlled substance;
3. Possess a controlled substance.

The penalty for violation of the controlled substances act often depends on three factors: which schedule was violated; how much of the drug was involved; previous convictions.

The following charts show the different schedules of drugs and penalties for violating the laws.

ABUSED SUBSTANCES

DRUGS	SCHEDULE	NAMES	TYPE	MEDICAL USE	LENGTH OF EFFECT (HRS)	METHOD OF USE	POSSIBLE EFFECTS	EFFECT OF OVERDOSE
Heroin	I	Horse, Smack	Narcotic	None	3 - 6	inject, sniff smoke	Euphoria, drowsiness, constricted pupils, nausea	Slow shallow breathing, convulsions, coma, possible death
LSD	I	Acid, Microdot	Hallucinogen	None	8 - 12	oral	Illusions, hallucinations, distortion of time and distance	Long, intense trips, psychosis, possible death
Amphetamine Variants	I	STP, MDA	Hallucinogen	None	Several Days	inject, oral		
Mescaline & Peyote	I	Mesc, Cactus	Hallucinogen	None	8 - 12	inject, oral		
Hydromorphone	II	Dilaudid	Narcotic	Analgesic	3 - 6	inject, oral		
Opium	II	Skee, Hop	Narcotic	None	3 - 6	smoke, oral	Euphoria, drowsiness, constricted pupils, nausea	Slow shallow breathing, convulsions, coma, possible death
Morphine	II	Emsel, Morph	Narcotic	Analgesic	3 - 6	inject, smoke, oral		
Codeine	II	Codeine	Narcotic	Analgesic	3 - 6	inject, oral		
Pethidine	II	Demerol	Synthetic Narcotic	Analgesic	3 - 6	inject, oral		
Methadone	II	Methadone, Dolophine	Synthetic Narcotic	Heroin Substitute	12 - 24	inject, oral		
Cocaine	II	Coke, Flake, Snow	Stimulant	None	1 - 2	inject, sniff, smoke	Excitation, Euphoria, insomnia, loss of appetite	Agitation, hallucinations, convulsions, possible death
Amphetamines	II	Biphetamine, Preludin, Ritalin	Stimulant	Weight Control Hyperkinesis	2 - 4	inject, oral		
Phencyclidine	II	PCP, Angel Dust	Hallucinogen	Vetinary Anesthetic	Variable	inject, smoke, oral	Same as LSD	Same as LSD
Methaqualone	II	Quaalude, Parest, Optimil, Sopor	Depressant	Sedative	4 - 8	inject, oral	Slurred speech, drunken behavior	Same as Glutethimide
Opium	III	Paregoric	Narcotic	Antidiarrheal	3 - 6	oral	Same as Heroin	Same as Heroin
Morphine	III	Pectoral Syrup	Narcotic		3 - 6	oral		
Glutethimide	III	Doriden	Depressant	Sedative	4 - 8	inject, oral	Slurred speech, drunken behavior	Shallow respiration, weak rapid pulse, coma, possible death
Benzodiazepines	IV	Librium, Valium	Depressant	Sedative	4 - 8	inject, oral		
Barbiturates	IV	Phenobarbital	Depressant	Anesthetic Sedative	1 - 16	inject, oral		
Chloral Hydrate	IV	Somnos	Depressant	Hypnotic	5 - 8	oral		
Codeine	V	Tylenol No. 3 Robitussin A-C Novahistine DH	Narcotic	Analgesic Antitussitive	3 - 6	inject, oral	Drowsiness, constricted pupils, nausea	Same as Heroin
Opium	V	Donnagel - PG	Narcotic	Antidiarrheal	3 - 6	oral		
Marijuana	VI	Pot, Reefer, Grass	Cannabis	None	2 - 4	smoke	Euphoria, disoriented, relaxed inhibitions	Fatigue, paranoia, psychosis
Tetrahydrocannabinol	VI	THC	Cannabis	Under investigation	2 - 4	oral		
Hashish	VI	Hash	Cannabis	None	2 - 4	smoke		
Alcohol		Beer Wine Liquor	Depressant	Antiseptic Antitussitive	2 - 12	oral	Slurred speech, disorientation, loss of balance slow reaction time	Same as Glutethimide

PUNISHMENT FOR VIOLATION OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT

VIOLATION	Drug Schedule	Amount	Previous Convictions	Punishment Prison	Punishment Fine
Make, sell, deliver, or possess with intent to sell or deliver a controlled substance.	I, II	Very small		10 years	and/or $5,000
	III, IV, V, VI	Very small		5 years	and/or $5,000
A person 18 or older delivers a controlled substance to someone under 16 years old.		Any amount		30 years	
Make, sell, deliver, or possess with intent to sell or deliver a controlled substance.	Counterfeit I, II, III, IV, V, VI	Any		5 years	and/or $5,000
Possession of a controlled substance.	I	Very small		5 years	and/or $5,000
	II, III, IV	Less than 100 doses	0	2 years	and/or $2,000
	II, III, IV	Less than 100 doses	1 or more	5 years	and/or $5,000
	II, III, IV	More than 100 doses		5 years	and/or $5,000
	V	Any amount	0	6 months	and/or $500
	V	Any amount	1 or more	2 years	and/or $2,000
	VI	Less than 1 ounce	0	None	$100
	VI	Less than 1 ounce	1 or more	6 months	and/or $500
	VI	More than 1 ounce	1 or more	5 years	and/or $5,000

TRAFFICKING IN A CONTROLLED SUBSTANCE

Any person who sells, makes, delivers, transports, or possesses a large quantity of certain substances shall be guilty of trafficking. Trafficking is a felony.

Crime	Amount of Drug	Punishment Prison	Punishment Fine
"Trafficking in Marijuana"*	50 - 100 pounds	At least 5 years and not less than	$5,000
	100 - 2,000 pounds	At least 7 years and not less than	$25,000
	2,000 - 10,000 pounds	At least 14 years and not less than	$50,000
	More than 10,000 pounds	At least 35 years and not less than	$200,000
"Trafficking in Methaqualone"*	1,000 - 5,000 tablets	At least 7 years and not less than	$25,000
	5,000 - 10,000 tablets	At least 14 years and not less than	$50,000
	More than 10,000 tablets	At least 35 years and not less than	$200,000
"Trafficking in Cocaine"*	1 - 7 ounces	At least 7 years and not less than	$25,000
	7 - 14 ounces	At least 14 years and not less than	$100,000
	More than 14 ounces	At least 35 years and not less than	$250,000
"Trafficking in Opium or Heroin"*	1/7 - 1/2 ounce	At least 14 years and not less than	$50,000
	1/2 - 1 ounce	At least 18 years and not less than	$100,000
	More than 1 ounce	At least 45 years and not less than	$500,000

*A person found guilty of "trafficking" is not eligible for early parole or release from prison.

Alcohol Abuse

Most people know that cocaine, heroin, and marijuana are drugs and that the possession or use of them is against the law. These drugs are also associated with criminal activities as evidenced by news coverage of major drug arrests.

It is not a commonly known fact that alcohol, although legally sold, possessed and used, is a major factor in many crimes. The ease of purchasing alcohol and the social acceptance of its use make it easy to overlook. Alcohol abuse is harmful to the person who uses it. It also hurts innocent and unsuspecting people.

Driving under the influence of alcohol (DUI) is an example of alcohol abuse that hurts innocent people. More than half of all traffic deaths involve a drinking driver. Of all deaths and injuries, those caused by DUI are the most senseless. Frequently the victims are small children who are passengers in a car struck by a drunk driver. Drivers who drink are not nice people. They are a menace to society. Driving under the influence is a crime. It can and should be prevented.

Alcohol is a contributing factor in many other crimes. Fifty percent of all police arrests involve alcohol. More than one-third of all suicides involve alcohol.

Alcohol is a contributing factor in other deaths. Sixty-nine percent of drownings, 83% of fire fatalities, and 70% of fatal falls involve alcohol. Alcohol presents special problems on the job. Forty percent of fatal industrial accidents are alcohol-related.[30]

Alcohol abuse is a special problem for students. In addition to all the other problems it presents, drinking is against the law for most students. They are not old enough to legally buy or drink alcoholic beverages. Many of those who do find a way to get it, get into trouble.

In 1981, 64 North Carolinians who were arrested for DUI were less than 16 years old. Not only did they drive under the influence, but also, they drove without a license. An additional 2,006 young people who were arrested for DUI were old enough to drive but too young to legally drink. One thousand one hundred thirty-one other liquor law arrests of people under the legal drinking age were reported.[31]

Dr. Sarah Morrow, Secretary of the Department of Human Resources, expresses an intense concern for young North Carolinians who abuse alcohol and other drugs.

Sarah T. Morrow, M.D., M.P.H.
Secretary, N.C. Department of Human Resources

I believe we have about 60,000 students in our schools who are heavy drinkers and have a problem with alcoholism. We are very much concerned about what kind of abilities these young people are going to have in school, and, also, what kind of abilities they are going to have when they get out of school.

The abilities of young people now and in the future are affected by the decisions that they make now. So often these decisions are made with little understanding of their future consequences. Many people become involved in drugs, alcohol, crime, and other forms of destructive behavior without realizing what is happening. The result is a tragic one.

Many of these tragedies can be prevented. It is the responsibility of each young person to learn about the law and the consequences of breaking the law. Responsible decision-making is not easy, but the future of everyone depends on it.

Summary

American citizens enjoy many rights and privileges. These privileges are protected by law.

Citizens must work to protect these privileges. Respect for the rights of others and a willingness to obey the law are characteristics of good citizenship.

Teen-agers occupy a unique legal status. They have begun to outgrow some of the constraints of childhood. On the other hand, they are not entitled to all the rights of adulthood.

Teen-agers must be particularly careful about how they spend their time. Opportunities for drug abuse and illegal activities are all around. The penalties for these activities may include fines and imprisonment. Penalties also include social disapproval and the inability to find a job.

Captain Sonnie Simpson
Juvenile Division
Greensboro Police Department

Children have responsibilities to their parents. They are expected to be obedient, do chores around the house, and behave themselves at all times. Our law makes parents responsible for providing food, clothing, shelter, medical care, and proper discipline for their children. They are also expected to teach their children the difference between right and wrong. Those parents who fail to carry out their responsibilities may lose the right to rear their children. The children could be removed from the parent's home and placed in foster homes.

All citizens have the responsibility to obey the law. Good citizens will report crimes or suspicious actions to their police or sheriff's department.

WORD MEANINGS

Most words have several meanings. The best meaning depends on the context for use. Each word below has several meanings; all are correct, but only one is used in this chapter. Choose the meaning used in Chapter Five.

1. license
   a. excessive freedom
   b. formal, written permission
   c. a deviation
2. schedule
   a. category
   b. time table
   c. proposal
3. alcohol
   a. a drink
   b. a solvent
   c. a drug
4. right
   a. privilege
   b. correct
   c. starboard

THINGS TO THINK ABOUT

1. What privileges do you enjoy at home? At school? Which ones are most important to you? Why?
2. What kinds of responsibilities do you have at home? At school? Are these responsibilities reasonable ones? Why or why not?

THINGS TO DO

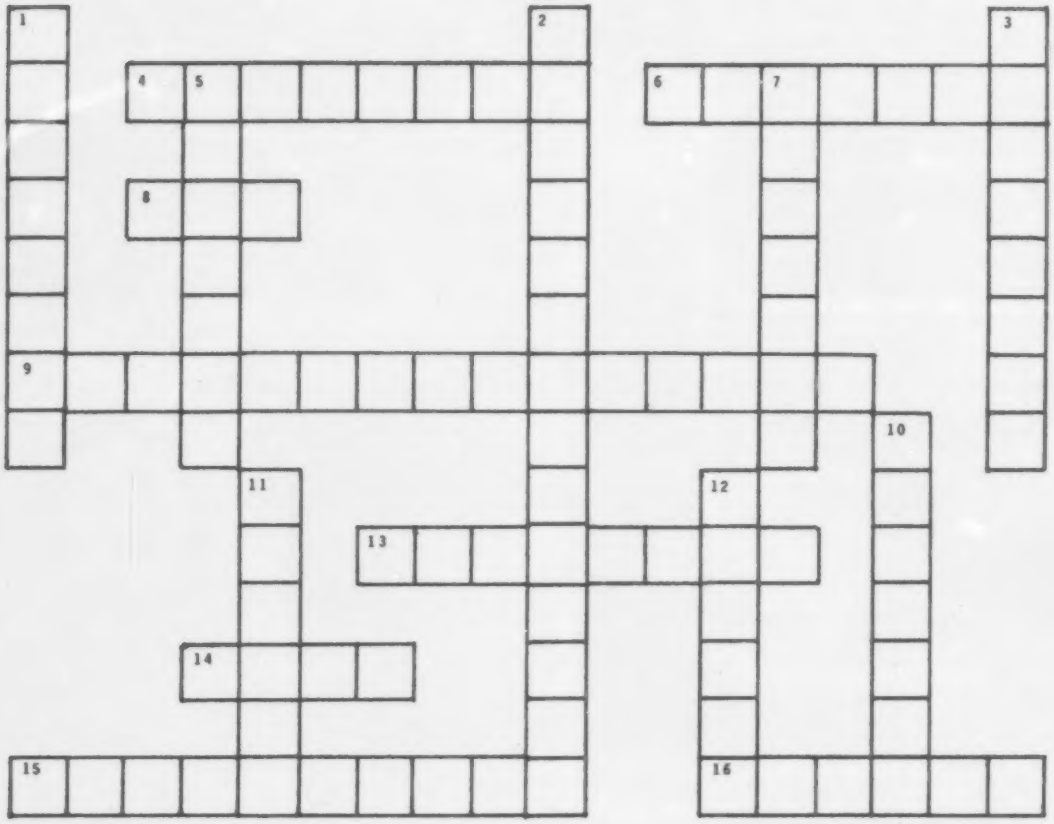
1. Visit the local mental health center. What services are available for the treatment of problems involving drugs and alcohol?
2. Study recent issues of the newspaper. How many reported crimes mention the manufacture, sale, or possession of illegal drugs? How many arrests mention the influence of drugs and alcohol?

FOR FURTHER STUDY

1. Research narcotics. Learn more about the effects of physiological and psychological dependency.
2. Study the civil rights movement. Who were the leaders in the movement? How were rights obtained?

5

THE RIGHTS OF CITIZENSHIP



ACROSS

4. Under eighteen, requires parental consent
6. Drug trade
8. Driving under the influence
9. Receiving the right to vote
13. Freedom of worship or _____
14. Not legally valid
15. Psycological _____
16. Freedom of expression or _____

DOWN

1. Age of majority
2. Reliability
3. Controlled Substance Penalty
5. People who misuse drugs
7. Susan B. _____
10. An illegal substance (coke)
11. A narcotic
12. _____ rights

30

FOOTNOTES

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4. Albert Post and William Johnson, *The Young American Citizen* (New York: Sadlier-Oxford, 1978), pp. 15-16.
5. Graham Berry, "With Justice for All," in *Annual Editions Readings in Criminal Justice* (Guilford, Connecticut: Dushkin Publishing Company), p.. 120.
6. Alexander Hamilton, et al. *The Federalist*, in the *World's Great Classics*, Volume 59 (New York: The Colonial Press, 1901), p. 76.

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7. Herzik and Teater, p. 82.
8. Mary Eastwood, "Feminism and the Law," in *Women: A Feminist Perspective*, Jo Freeman, ed. (Palo Alto, California: Mayfield Publishing Company, 1979), p. 395.
9. Eastwood, p. 396.
10. Commission on the Education and Employment of Women, *North Carolina Women and the Law* (Raleigh, 1972), p. 20.
11. North Carolina General Statute §115C-378.
12. Legislative Research Commission, *Public School Dropouts* (Raleigh, 1981), p. 3.
13. Legislative Research Commission, p. 13.
14. Legislative Research Commission, p. 21.

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15. William F. Harris, II, "North Carolina's Judicial System: A Brief Summary," in *North Carolina Focus*, Eric B. Herzik and Sallye Branch Teater, eds. (Raleigh: North Carolina Center for Public Policy Research, 1981), pp. 158-161.
16. *In re Gault*, 387 U.S. (1967), p.1.
17. North Carolina General Statute §134A-20.

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(Continued)

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19. Uniform Crime Report, *Crime in North Carolina* (North Carolina Department of Justice and the Police Information Network, 1981), p. 25.
20. Jon Shepard, *Sociology* (St. Paul, Minnesota: West, 1981), p. 163.
21. Robert H. Lauer, *Social Problems and the Quality of Life* (Dubuque, Iowa: Wm. C. Brown, 1978), p. 197.
22. Governor's Task Force on Drunken Drivers, *Driving While Impaired* (Raleigh, 1982), p. 3.
23. Herbert Butterfield, *Christianity and History* (New York: Scribner's, 1950), p. 37.
24. Edwin H. Sutherland, *White Collar Crime* (New York: Dryden, 1949), p. 9.
25. Willis Whichard, "Alternatives to Incarceration in North Carolina," in *Popular Government*, Vol. 48, No. 1, Summer 1982, P. 11.
26. Shepard, p. 167.

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27. North Carolina General Statute §115C-231.
28. Theodore Roosevelt, *The Roosevelt Policy*, William Griffith, ed. (New York: Krause, 1971), p. 196.
29. North Carolina General Statute §90-95.
30. Robert North and Richard Orange, Jr., *Teenage Drinking* (New York: McMillan, 1980), pp. 8-12.
31. Uniform Crime Report, p.160.

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GLOSSARY

addiction — a state of periodic intoxication produced by the repeated consumption of a drug. It is detrimental to the health of the individual and to society. It is characterized by a need to take the drug and to obtain it through any means. The addict tends to increase the dosage over time. Addiction may involve a physical or a psychological dependency on the drug.

adjudicate — to pass judgment on or to pronounce a judicial sentence.

adjudication — the judicial process of hearing the evidence and stating a decision.

amendment — a change or revision. The U. S. Constitution has been amended only 26 times.

apportionment — the proportional distribution of both houses of the General Assembly. Apportionment is determined by the population of state districts. District boundaries are drawn so that each is equal in population to the others.

bicameral — having two houses. The North Carolina General Assembly consists of both a House and a Senate. It is bicameral.

civil actions — lawsuits involving disputes between individual citizens, between an individual and a business, or an individual and the government.

civil law — regulates ordinary private matters between citizens. It does not involve criminal matters.

common law — a system of law based on court decisions and legal customs rather than laws passed by a legislature. Americans used common law from England as a basis for the judiciary.

community-based services — a nonresidential or residential treatment program for juveniles in their own communities. Community-based services include specialized foster care, family counseling, shelter care, and other forms of treatment.

concurrent powers — governmental authority that is shared by the state and federal governments, as defined by the Constitution.

constitution — a written document that determines the powers of government and guarantees rights to citizens. The United States Constitution is the highest law in the nation.

crime — a wrongful act (or omission) that harms the public welfare. The violation of a law. Criminal charges are usually brought about in the name of the state.

criminal law — defines crimes and establishes punishments.

custody — the care and keeping of anything. The term may refer to keeping watch or taking care of. Also, custody may refer to actual imprisonment. When parents have custody of their children, they are legally responsible for their care and supervision. When a juvenile is "taken into custody," he is taken into the care of the court. *Secure* custody is imprisonment. *Nonsecure* custody is physical protection or guardianship. The meaning of the term custody depends on the context in which it is used.

delinquent — a person between the ages of six and 16 who breaks the law.

democracy — government by the people. The right of all to decide matters of concern to the general citizenry. The United States is a *representative* democracy. In other words, Americans elect representatives to decide matters of general concern. A democracy is characterized by free elections, a system of more than one political party, and an independent judiciary.

depressant — a chemical that lowers the rate of mental or physical functions. For example, a depressant lowers heart rate, respiratory activity, and muscle tone. It may slow intellectual functioning and distort judgment. Alcohol is a depressant. Slurred speech and drunken behavior are the results of the depressant.

discrimination — the unequal treatment of individuals based upon their membership in some group. Ethnic or racial groups have been discriminated against. Women are treated differently as a group, leading to wage discrimination.

disposition — a sentence or treatment ordered for a juvenile by a court judge.

divert — to direct juvenile offenders away from the courts, training schools, and prison into community-based services whenever possible.

emancipation — a court decision to release parents from the legal responsibility of the care and supervision of a child between the ages of 16 and 18. Emancipation grants the rights and responsibilities of adulthood to the young person. Drinking and voting rights are not included with emancipation.

enfranchisement — the granting of the rights of citizenship, particularly the right to vote. The term franchise is used to mean "the right to vote."

felony — a serious crime punishable by death or imprisonment for more than one year.

Fourteenth Amendment — no state may deny citizens the rights granted by federal law. No state may deprive any person of his rights as granted by the Bill of Rights without "due process" of law. All citizens are entitled to "equal protection" of the laws.

franchise — the right to vote.

hallucinogen — a chemical that distorts perception and produces a compelling sense that the perception is real when it is not. Hallucinations may be of a brief duration. Many hallucinations are of long duration and can be very intense. Some hallucinogens create severe psychoses or mental disorders.

jurisdiction — the legal right or authority of the court and its officers to hear and decide cases.

juvenile — a young person under 16 years of age.

laws — formally enacted rules and regulations that are enforced by government authority.

misdemeanor — a crime that is less serious than a felony and is punishable by a fine or by imprisonment less than one year.

narcotic — a depressant. The word comes from a Greek word meaning to make numb. It causes insensibility to pain. Narcotics should be used only under the direction of a physician. They are habit-forming (addicting) and may cause coma or death.

norms — rules that define behavior as socially appropriate or inappropriate.

original jurisdiction — refers to superior court authority to try a case and pass judgment upon the facts. Most criminal cases are heard first in superior court.

parens patriae — the legal authority of the state to act as guardian or protector for all citizens who are unable to protect themselves.

parole — a conditional release. Prisoners who exhibit good behavior may be released from prison before completing their sentence. They must follow specific rules and regulations. If not, they must return to prison and serve the unexpired term.

preside — to hold the position of authority, to act as chairman. The lieutenant governor presides over the Senate. The speaker of the house presides over the House.

probation — allowing a person who has been convicted of a minor offense to go at large without serving time in prison. Instead, the offender agrees to good behavior. He is supervised for a determined period of time by a probation officer.

ratify — to approve or adopt. Constitutional amendments, when approved by Congress, must be ratified by three-fourths of state legislatures, or by constitutional conventions in three-fourths of the states. In North Carolina, for a bill to become law (ratified), it must be approved by a majority vote in both houses.

role — socially prescribed expectations of how people who occupy a certain position should behave. Children are expected to behave in certain ways. The role of children in society has changed drastically since colonial times.

sentence — a judicial decision that determines the punishment for one who is convicted of a crime. The judge may sentence a convicted criminal to prison, probation, parole, or to some kind of community service.

status offense — undisciplined behavior such as running away from home, disobeying parents, and being truant from school. Status offenses are not crimes. They are a condition of age and are not illegal for adults.

stimulant — a chemical that temporarily stimulates or arouses physiological or organic activity. It accelerates the metabolic rate, producing longer hours of wakefulness. It in no way improves or enhances intellectual functioning. People who use stimulants to stay awake usually discover that mental ability and judgment are impaired.

torts — laws that are primarily concerned with injuries to one's person, reputation, property, or business. Torts come under the broader category of civil law.

undisciplined juvenile — a young person between the age of seven and 16 who is unlawfully absent from school, disobedient to parents, regularly found in places where it is illegal for a juvenile to be, or who has run away from home.

values — broad cultural principles (not rules or norms) that embody basic ideas about what most people consider to be important. Americans value hard work, achievement, humanitarianism, freedom, progress, practicality, equality, individuality, and patriotism.

youthful offender — a convicted felon who is under the age of 21 is sentenced to a "youth center." A youth center is equipped to provide special educational, evaluational, and occupational programs. These programs give the youthful offender a better chance of rehabilitation. There are two types of youthful offenders. A *regular youthful offender* (RYO) receives a regular prison sentence, but is committed to a youth center rather than a regular prison. A *committed youthful offender* (CYO) receives a sentence for "not less than one day or more than five years." He will be released when he has successfully completed a rehabilitation program.

SELECTED COURT CASES

A case has been selected for each chapter.

Chapter I

In the Matter of Michael Wayne Hughes, Juvenile

On January 5, 1981, the North Carolina Court of Appeals upheld an order issued by the District Court committing Michael Wayne Hughes to training school. The juvenile, Michael Hughes, had on many occasions appeared in District Court on delinquent petitions. On each of these occasions the juvenile had been adjudicated delinquent and placed on conditional probation. The juvenile violated the terms of his probation on each occasion by committing other delinquent acts and refusing to obey the conditions of his probation.

The Court of Appeals upheld the commitment of the juvenile for two reasons. First, the District Court had unsuccessfully tried to utilize "community alternatives" on numerous occasions. Second, the juvenile represented a threat to persons or property by his actions of shooting out windows with an air rifle and taking money from a purse.

This decision supported the purpose of the North Carolina Juvenile Code of selecting "the least restrictive disposition . . . that is appropriate to the seriousness of the offense" and by attempting to avoid commitment of the juvenile to training school "if he can be helped through community-level resources." G.S. 7A-646.

This case emphasizes two points:

1. Laws are made to protect society (people and property);
2. Every effort to treat the juvenile in the community was exhausted before he was committed to training school.

Chapter II

In the Matter of Shelby Jane McMillan and Abe McMillan

The Robeson County Department of Social Services filed a petition alleging that Shelby Jane McMillan's and Abe McMillan's (respondants) minor children were neglected children. Judge Charles G. McLean, District Court, entered an order declaring that the juveniles were neglected children. The parents appealed the finding on the grounds that they should be tried under the compulsory school attendance law and not the child neglect law.

On July 21, 1976, the North Carolina Court of Appeals affirmed (agreed) the decision of the District Court. The Court of Appeals found that it is fundamental that a child who received proper care and supervision in modern times is provided a basic education. A child does not receive "proper care" and lives in an "environment injurious to his welfare" when he is deliberately refused this education, and he is "neglected" within the meaning of G.S. 7A-278(4).

This case shows the importance that the state places on education and school attendance.

Chapter III

In re Barbara Burrus (and 45 other cases)

This particular case is of interest for the constitutional question raised and for the number of cases adjudicated at one time. The juvenile, Barbara Burrus, was adjudicated delinquent along with seven (7) others for obstructing traffic on a public highway and for interrupting classes at a public school. The case was heard in District Court.

The juveniles appealed the decision to the North Carolina Court of Appeals where the decision was affirmed. Appeal was then made to the North Carolina Supreme Court where the decision was affirmed as modified on October 16, 1969. The North Carolina Supreme Court found that a juvenile is not constitutionally entitled to a jury trial in a juvenile court proceeding on the issue of his delinquency, and a public hearing in a juvenile proceeding is neither required nor in the best interest of the juvenile offender. Both of these points are still valid today, but some individuals are beginning to feel that juvenile court proceedings should be open to the public. The belief is that juvenile court has been kept from the public and thus a lack of understanding of the general nature and problems of juvenile court proceedings exists.

This case was heard by the Court of Appeals and the Supreme Court. Both courts upheld the doctrine of *parens patriae*. They also agreed that juveniles do not have the right to a jury trial.

Chapter IV

In the Matter of Donald Fletcher Johnson

The juvenile, Donald Fletcher Johnson, was adjudicated delinquent on the charge that he carried a concealed weapon on school grounds. This finding was based upon the admission to the charge by the juvenile.

On March 2, 1977, the North Carolina Court of Appeals reversed the decision and sent the case back to District Court for another hearing. The Court of Appeals based this decision on the lack of showing by the District Court that the juvenile's admission was made "understandingly, voluntarily, and with awareness of consequences." This simply means that the admission, to the charge by the juvenile, is the equivalent of an adult pleading guilty. Therefore, the juvenile should have been advised of his rights. The North Carolina Juvenile Code now required this advisement of rights.

This case shows the court's emphasis on "due process." Anyone who is charged with a crime must be advised of his rights.

Chapter V

In re Walker

The case of Valerie Lenise Walker, decided by the North Carolina Supreme Court on October 11, 1972, involved the constitutional questions of a child's right to counsel at a hearing on an undisciplined charge and the equal protection clause. Ms. Walker was adjudicated undisciplined by District Judge Gordon Gentry on August 19, 1971, and placed on conditional probation. She was not represented by counsel.

On October 15, 1971, Ms. Walker again appeared before Judge Gentry, this time on a charge of violation of probation which was a delinquent charge. Counsel was provided for Ms. Walker at this hearing and the request was made, by counsel, to vacate the earlier finding of being an undisciplined child. Her counsel argued that she had been denied due process because she had not been provided with counsel and could not properly defend herself. Counsel further moved to dismiss the current petition because it violated the Equal Protection Clause of the Fourteenth Amendment in that the statute (G.S. 7A-278) provides for adjudication of delinquency when no laws of the State of North Carolina had been violated. Both motions were denied. The hearing continued with Ms. Walker being adjudicated delinquent and committed to training school.

On the question of right to counsel on the initial petition, the Supreme Court found that the child had no right to counsel because she could not be committed to a state facility and, therefore, was not in danger of loss of freedom. The other question, on equal protection, was decided by reviewing the state's role in classifying and treating children differently from adults and, therefore, does not violate the equal protection clause.

This case looks at rights in juvenile court. One charged as an undisciplined child does not have the same rights to "due process" as one charged as a delinquent.

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PHOTOGRAPHY

Page	Source	Page	Source
ii	File Photo	41	Bob Hinkle
2	Wanda Rushing Edwards	43	Greg Wallace
10	File Photo	44	File Photo
14	Wanda Rushing Edwards	48	Wanda Rushing Edwards
15	File Photo	58	Ed Carr
16	File Photo	60	File Photo
24	File Photo	64	Jim Blevins
28	Bob Hinkle	71	N.C. State University
29	Ed Carr	72	Jim Blevins
31	Bob Hinkle	76	Jim Blevins
32	Mike Caton	77	File Photo
36	Bob Hinkle	81	Wanda Rushing Edwards
39	Ed Carr	82	Ed Carr
41	Mike Caton		